VOL 9.

CRIME COMMISSION

Wed APRIL 4. 1962

1705 - 1958

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

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Supreme Court Reporters
145 Yonge Street
TORONTO

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WEDNESDAY, APRIL 4, 1962

---Upon resuming at 10:00 a.m.

THE COMMISSIONER: Yes, Mr. Wilson.

MR. WILSON: I will call Mr. J.F.Gardner.

JOHN PHILLIP FRANCIS GARDNER, sworn:

THE WITNESS: Should I address you, sir?

THE COMMISSIONER: Yes, but keep your voice up.

THE WITNESS: I sent a message to Mr. Wilson this morning that I had retained counsel Wally Rose who had to go to Ottawa and wouldn't be here until ten o'clock tomorrow morning, and I am without counsel and I have no knowledge what I should do, but I did, before the Court opened, ask for that privilege.

THE COMMISSIONER: We cannot wait unill Mr. Rose gets back.

THE WITNESS: I wasn't told, sir, that I would be called today. I have been here three days, and I didn't know. I didn't know that he would go away.

THE COMMISSIONER: You were subpoenaed and you knew that you were here to give evidence.

THE WITNESS: Yes, sir.

THE COMMISSIONER: And you have had all kinds of time to get a lawyer.

THE WITNESS: Well, I didn't know that he was going to leave town. They didn't tell me until five o'clock last night.

THE COMMISSIONER: That is most unfortunate, but I am not going to wait until Mr.Rose gets back. We will just have to go on in his absence.

THE WITNESS: But could it go on record that I asked for this ----

THE COMMISSIONER: What has been said is on record already.

THE WITNESS: Thank you.

MR. WILSON: Under the circumstances, Mr. Commissioner, possibly the witness should be informed that if he wants to claim the protection of the Canada Evidence Act, he can do so.

THE WITNESS: I would like to take the protection of the Canada Evidence Act.

MR. WILSON: Just a minute. Just take your time.

THE WITNESS: I am sorry.

BY THE COMMISSIONER:

Q. Mr. Gardner, I want to read you Section 5 of the Canada Evidence Act.

A. Yes.

Q. And if you don't understand it as I

[illegible]

[illegible]

[illegible]

read it to you, you stop me and I will explain it to you.

A. Yes.

Q. Section 5(1) reads:

"No witness shall be excused from "answering any question upon the "ground that the answer to such "question may tend to criminate "him, or may tend to establish his "liability to a civil proceeding "at the instance of the Crown or "of any person."

Then (2) -----

A. Sir, I don't understand this. Now, you have already told me that I can have protection.

Q. Yes.

A. Does that mean I can't claim the protection?

Q. No, I am reading this. Just be patient for a moment and bear with me.

A. I am sorry.

Q. Subsection (2):

"Where with respect to any question "a witness objects to answer upon the "ground that his answer may tend to "criminate, or may tend to establish "his liability to a civil proceeding "at the instance of the Crown or of any

"person, and if but for this Act, or
"the Act of any Provincial Legislature,
"the witness would therefore have been
"excused from answering such question,
"then although the witness is by
"reason of this Act, or by reason of
"such Provincial Act, compelled to answer,
"the answers so given shall not be
"used or receivable in evidence against
"him in any criminal trial, or other
"criminal proceeding against him thereafter
"taking place, other than a prosecution
"for perjury in the giving of such evidence."

Now, do you understand that?

A. Yes, I do.

Q. And are you asking for the protection of the Canada Evidence Act?

A. Yes, I am asking for the protection of the Canada Evidence Act.

Q. Now, you understand that you have to answer but, having claimed the protection of the Act, your evidence may not be used against you, although you would still be liable to be charged with perjury if you made a false statement under oath?

A. I understand that.

EXAMINED BY MR. WILSON:

Q. You reside in Windsor, Ontario?

A. I'd like to claim the protection of the Canada Evidence Act, sir.

THE COMMISSIONER: You already have.

A. Well, I didn't understand, sir, whether the Court had started already.

Q. Yes, you have the protection of the Canada Evidence Act in anything you say now in the witness box.

MR. WILSON: In other words, you don't need to ask for protection for each question; it covers all the questions I put to you.

A. But I can ask you if I wish, can't I?

THE COMMISSIONER: You don't need to.

A. But would there be any objection to me claiming the Evidence Act before every question?

THE COMMISSIONER: Mr. Gardner, you don't need to claim it before answering every question. You have claimed it now, and that applies to the whole of your evidence. Do you understand that now?

A. Yes, I understand it, but would there be any objection if I did claim it before every question?

Q. It would just be a waste of time.

A. I would like to do that.

Q. No, we are not going to waste time. I have explained to you that you have claimed the benefit of the Canada Evidence Act in respect to everything you are saying in the witness box today.

A. Yes.

MR. WILSON: You reside at Windsor, Ontario?

A. Yes.

Q. And what is your street address?

A. 380 Bridge Avenue.

Q. And you are fifty-one years of age?

A. Approximately, sir.

Q. And is your nickname "Curly"?

A. Yes, sir.

Q. Now, what has been your occupation over the years?

A. Gambler.

Q.Gambler, and you have a criminal record?

A. Yes, sir.

Q. I will just read the record, and if there are any errors in it, call them to my attention, will you?

A. Yes.

A/2 Q. January 15th, 1936, at Windsor, vagrancy, withdrawn; January 15th, 1936, at Windsor, bigamy, suspended sentence two years; May 14th, 1941, at Windsor, Keep gaming house, $200. (in default three months or one month additional)

October 1st, 1941, at Windsor, frequent gaming house, $10.00 or thirty days; January 4th, 1945, at Windsor, found in betting house, $10.00 and costs, or thirty days; May 16th, 1945, at Windsor, exhibit racing information, $200.00 or three months; May 13th, 1946, at Windsor, frequent gaming house, $10.00 and costs or ten days; December 10th, 1947, at Windsor, found in betting house, $10.00 and costs, or ten days; April 4th, 1952, at Windsor, found in gaming house, $10.00 and costs, or ten days; December 30th, 1957, at Windsor, keep gaming house, withdrawn; January 6th, 1958, at Windsor, keep gaming house, twelve months; April 23rd, 1958, released on ticket of leave to expire on December 10th, 1958.

A. I should like to qualify an answer here, sir.

Q. Yes.

A. Some of those dates are familiar to me, and they undoubtedly are all correct. It is correct, but I can't give you a definite answer on all of them.

Q. You can't be sure of the exact dates?

A. I am not sure. I am not doubting the record; I am just qualifying the statement that I am not sure of the dates.

Q. Now, what was your connection with

the Old Castle Country Club in Windsor?

A. What was my connection?

Q. Yes. Do you recall the Old Castle Country Club?

A. Of course, You are asking my connection, sir, and I am trying to understand ----

Q. Were you one of the operators of that club?

A. Yes, I pled guilty to that charge of operating a gaming house, sir.

Q. And when we are talking of the Old Castle Country Club, during what year did it operate?

A. What years?

Q. Yes.

A. Well, there was several stops and starts, so again I qualify this answer. I can't tell you exactly.

THE COMMISSIONER: When did you start?

A. I believe it was in 1953 or 1954. I am not sure.

MR.WILSON: That club operated under a Provincial Charter?

A. Originally, sir.

Q. Well, then, when you say "originally" was that club superseded by the Border Cities Press Club?

A. No, I believe - and again I have to qualify this because I am not sure - I believe that the Border City Press Club was the first

Castle

Old Country Club in Ishpeming?

A. What was my connection?

Q. Yes, do you recall the Old Country Club?

A. [illegible]

Commissioner, sir, and I am trying to understand ----

Q. Were you one of the operators of that club?

A. Yes. I plead guilty to that charge of operating a gaming house, sir.

Q. And when we are talking of the Castle Old Country Club, having that game [illegible]

A. [illegible]

Q. [illegible]

A. [illegible] charge, so again I qualify this answer. I can't tell you exactly.

THE COMMISSIONER: When did you start?

A. I believe it was in 1935 or 1934. I am not sure.

MR.WILSON: That club operated under a [illegible]

A. Originally, sir.

Q. Well, then, when you say "originally" was that club superseded by the Border Cities Press Club?

A. No, I believe - and again I have to qualify this because I am not sure - I believe [illegible]

charter.

Q. I see. You think it was before the Old Cattle Country Club?

A. Now, I am not sure, but I believe it was, sir.

Q. And was it, too, a Provincial Charter?

A. The Old Cattle and the Border Press Clubs were both Provincial Charters, yes, sir.

Q. Were they both located at the same address?

A. To the best of my knowledge.

Q. And just so we can understand this. Was the club later - did it become Unit 327 of the Army, Navy and Air Force Veterans of Canada?

A. Yes, it did, sir.

Q. Then, in July 1957, did it become Roseland Veterans Association?

A. Now, I am not sure. I don't know whether it was the Roseland before the Veterans Club or after. I am not sure, sir.

Q. Well, my information on the evidence that has been given here concerns the fact that a charter was issued to Roseland Veterans Association dated July 5th, 1957, and if we could have Exhibit 11, I think it will show that.

THE REGISTRAR: Yes.

(Exhibit handed to Mr. Wilson)

MR. WILSON: I show you a certified copy of

Letters Patent dated 5th July, 1957, incorporating the Roseland Veterans Association, and the applicants for that charter were Norman Edward Johnston, Contractor, Harvey Bourque, automobile worker, and James Johnston, steward, all of the City of Windsor. (Exhibit shown to the witness)

Now, does that charter help you to fix the order in which the clubs carried on at this location?

A. Could I qualify this answer? I have been a little vague so far, and I would like to explain why I am a little vague. During this period, I was ill from 1956 on, and to give you an absolute honest answer is difficult. I believe you are right, sir, but I couldn't definitely say, but I believe that is right. I am not sure whether the Roseland Charter came before or after, but I surmise that that is right.

Q. Well, prior to July of 1957, the Army, Navy and Air Force Unit 327 was known as the Roseland Unit, was it not?

A. Was that charter - is this charter called the Roseland Charter?

Q. Yes, the charter of July 1957 is the Roseland Veterans Association.

A. I see.

Q. But what I am saying to you is that prior to that time, Unit 327 was known as the Roseland Unit; is that correct?

A. Gee, I can't give you an absolute answer on that, sir. I thought it was just classed as Unit 322 - I think that's it - I can't even remember the number of it, - of the Army, Navy and Air Force Veterans of Canada.

A/3 Q. Now, were Johnston, Bourque - in fact, the two Johnstons and Bourque - were they applicants forthis Charter which was issued on July 5th, 1957, on your instructions?

A. Was this Charter issued in 1957?

Q. July 5th 1957?

A. An application was made at that time?

Q. Yes.

A. On my instructions?

Q. Yes?

A. No, not on my instructions, sir, I don't think. I think there was a group of us got together and decided to ask for a charter.

Q. Who were the group?

A. I wouldn't have the - you have given me names there. You have mentioned some names there. I haven't got the vaguest idea right now of those men.

THE COMMISSIONER: Who were the group that got together and decided to ask for the charter?

A. Well, sir, he mentioned -----

Q. Never mind what he mentioned at all. You said that a group get together of whom you were one?

A. Yes.

Q. And asked for a ----

A. Well, sir -----

Q. Listen to the question --- and decided to ask for a charter?

A. Well, sir, I say this - and I would like to qualify this - I don't remember who the group was. This gentleman has showed me some names. I don't know if any of these names were in the group or not.

Q. Well, tell me to the best of your recollection who were in the group. You were one of them. Surely you know who the others were?

A. I was one of them and the closest man that I could remember would be Leo Finnigan.

Q. That is true. Who else?

A. I am trying to think. I ask a little indulgence, I am trying to get the_m straightened out in my head. Johnston was there.

Q. What is X Johnston's first name?

A. I don't remember.

Q. Where does he live?

A. He lives in Windsor.

Q. Where in Windsor?

A. I haven't the slightest idea. I haven't the slightest idea.

Q. East or west?

A. When I ---

Q. Does he live in the east end of Windsor or the west end?

A. He did -- now, I haven't seen the man in five years, Mr. Commissioner, so I don't know where he lives now.

Q. Where did he live then?

A. At that time he lived in the north-east section of Windsor.

Q. All right, we have got it down to the north-east section. I happen to know Windsor. Now, where in the north-east section did he live?

A. Well, I'd only been out there once, but I know I had driven out Seminole - I went out Seminole Street.

Q. Yes. That is out near Riverside?

A. No, that is not the one.

Q. Isn't it?

A. No, sir, that's not the one. That would be the south-east section. I refer to the north-east section.

Q. Well, you know Detroit is north of Windsor.

A. Well, it has to be changed then. It is the south-east section. That is where I made my mistake. In the south-east section.

Q. Now we are in the south-east section?

A. I know I went to his home once, I believe, and it could possibly be I might have gone there again, but all I can remember is that I went on Seminole Street and there was a Shell

A. My God -- Tom, I haven't seen the man in five years, Mr. Gardner, so I don't know. Some kind of Alpha type.

Q. Where did he live then?

A. At that time he lived in the western-most suburb of Toronto.

Q. All right, he lived in Toronto in the mid-Twenties. I suppose it was Toronto. Only 20-25 in the northwest suburbs of Toronto.

A. Well, I've only been out there once, and I know I had driven out Yonge - I was in the Gardiner Expressway.

Q. You. Did it look like Bloorcourt?

A. No, that is not how one.

Q. Don't lie.

A. Mr. Gar, don't get me wrong. I mean in the anti-Semitic sense. I mean in the anti-Jewish sense.

Q. Well, you know what I mean.

A. Well, it has to be something else. It is the anti-Jewish sense. That is where I was in trouble. In the personal sense.

Q. How do you lie the Bloorcourt Jewish?

A. I know I want to his home town. I believe, and it could possibly be I might have gone there again, but not I was responsible in that I went to Jewish lived and there was a small

station where he parked his car, and that is about all I can tell you about that.

Q. All right.

MR. WILSON: Possibly we will come back to Mr. Johnston later.

A. Yes, sir.

Q. Now, at what address was this club carried on in the four different names?

A. At what address?

Q. Yes.

A. They were always at the same address.

Q. And what was that address?

A. I don't know if it had any address. It was on Walker Road in Roseland.

Q. I show you a picture which I am informed was taken in November, 1957.

(Picture shown to witness)

Does that picture show the building?

A. Yes, it does, sir.

Q. The club premises?

A. Yes.

Q. And I suppose, with some changes, that was the same building that the operations have been carried on in from 1953?

A. There was, I understand, changes from the day it opened, sir.

Q. Under these four names?

A. Yes.

THE COMMISSIONER: That will be Exhibit 90.

THE REGISTRAR: Yes.

----EXHIBIT NO.90: Photograph of club premises.

MR. WILSON: Now, starting back ----

THE COMMISSIONER: Do you want to pursue that Johnston matter?

MR. WILSON: I was going to later on, Mr. Commissioner, when we get up to the Johnston period.

THE COMMISSIONER: Yes.

MR. WILSON: I have some questions to direct to the witness on Johnston.

THE COMMISSIONER: All right.

MR. WILSON: And, going back to the first name that was used, or the first club that was operated on these premises, which would either be, as you say, the Border Cities Press Club or the Old Castle Country Club, was Leo Finnigan a partner with you in those two clubs?

A. Yes, sir. -- yes, he was.

Q. And you were, you say, convicted in respect to the operation of one or more of these clubs?

A. I was convicted, sir, with Leo Finnigan for running a common gaming house in 1958.

Q. Was that the only conviction ----

THE COMMISSIONER: At where?

A. At Windsor.

Q. At this club?

A. At this club -- for this club.

MR. WILSON: And at that time, of course, it would be the Roseland Veterans Association?

A. Gee, I don't know now. I have already answered the question there that I'm not sure. During this period - and I want to qualify this - during this period I was a sick man both mentally and physically, and I don't remember the sequence of these charters.

Q. Now, when did you and Leo Finnigan become partners?

A. We had been partners, in a vague way -- Leo was a legitimate man with a business, I was a gambler, but we had known each other for years, and the exact date when I first became Leo's partner, if I was his partner, I couldn't hazard a guess. I haven't the vaguest idea.

C/4 Q. Wasn't this Leo Finnigan's residence on Walker Road converted ----

A. Not when I knew him certainly. I have lived in Windsor and back in the old days he lived on one block and I lived on another.

Q. Wait until you hear the question. Weren't the premises that were used for the club premises from 1953 through to the time it ceased to operate - wasn't that formerly Leo

Finnigan's home?

A. I believe it was Leo's property, sir, until the day of the arrest.

Q. And after the two of you went into partnership and set it up as a club, there were extensive alterations made?

A. We didn't set it up as a club -- it was Leo Finnigan's residence.

Q. That is right.

A. And I have already stated that as we went along during the course of the years there was constant alterations. We never stopped altering from the day we went in there through until the day we left.

Q. Now, just briefly describe the type of alterations that you made in those premises after you entered?

A. Bars, bolts, strong doors, blocked windows, passages to impede officers -- everything that we could build in there to protect ourselves against the onslaught of the various police forces.

Q. And what type of gambling was carried on from the inception? Was it restricted to a bank game, a dice game or -----

A. Well, sir, there was a bank game there which we pled guilty to, and there would be lots of times when there would be just friendly games. There would be nights when there wouldn't be any bank game; there would be nights when there

was a bank game.

Q. But off and on from 1953 through to the time it ceased to operate, there was a bank game carried on by these various named clubs at that location?

A. On and off, sir, yes.

Q. And how much did you invest in this operation originally with Leo Finnigan?

A. How much did I originally invest?

Q. How much capital did you put in ?

A. Not one cent, sir.

Q. Not one cent?

A. No.

Q. What did Finnigan contribute?

A. Everything he had.

Q. And about how much did he put in?

A. I wouldn't have the vaguest idea. Again I would like to qualify that. From the day - from the inception of the club we borrowed continually for seven years. We borrowed from everybody we could beg or borrow or get a dollar from to keep these clubs going. We were always borrowing, both Finnigan and I.

Q. Yes.

A. Yes.

Q. And where was the bank account kept - in what bank?

A. Well, again, here I have got to be -- I am not sure. I don't know whether we had a bank

account. We might have had. Leo handled a lot of the money, and whatever we borrowed -- well, in this type of operations, sir, the bank account is in the operator's pocket, primarily.

Q. And you say that in the early years, it was not too profitable?

A. It was never profitable. We never realized a quarter from the whole operation. We were always borrowing. We borrowed continuously from the day we started till the day we closed and we kept on borrowing after we were closed.

Q. When did you close?

A. Well, this club had been closed at different times, sir. Now, you say, "when did we close?".

Q. For the last time?

A. On the night that we were raided, and that day is vague to me, too. I don't even know what date it was.

Q. That would be November 13th, 1957?

A. If you say so.

Q. As a result of that raid there were these charges, to which you and Finnigan pleaded guilty?

A. That is right.

Q. Now, after that time the club didn't operate?

A. Finnigan, to the best of my knowledge, and myself, have never re-entered into the gambling

business.

Q. Now, from whom did Finnigan and yourself borrow?

A. Who did we borrow from?

Q. Yes.

A. Everybody.

Q. "Everybody" is pretty wide.

A. Well, sir ----

Q. Just name the persons you borrowed from?

A. There would be some that I can't even remember. We borrowed money. I borrowed a lot of money from McDermott. I borrowed a fortune, sir.

Q. That would be Joseph McDermott?

A. Yes.

Q. Of Toronto?

A. Yes.

Q. And how much did you borrow from him?

A. Gee, I don't know. I owe him -- right now I stand here and I owe him an uncounted amount of money. I wouldn't have the vaguest idea.

Q. What year did you borrow from McDermott?

A. Couldn't tell you, sir. I can't tell you.

Q. What were the terms of the borrowing?

A. "Get lucky and pay me back."

Q. Did this take place in 1953 or 1954? When did he first get in - have an interest in your clubs?

A. I have got to qualify this answer, sir, I am sorry. I am not sure. I am not sure of the exact date, nor the exact year.

Q. Was it a couple of years before you folded?

A. I don't know whether it was a couple of years or three years, sir. I can't give you an honest answer.

Q. What is your best recollection of the amount of money that McDermott put into this club?

A. McDermott didn't put a penny into the club. I never stated that he did. I stated that McDermott had lent me a lot of money, and he had lent Leo money, and that Leo is Leo Finnigan. He had lent us money. He had lent me money any time I was introuble through gambling, or any spot I was in, I was running to McDermott to get money to bail me out.

Q. And why would you go to him?

A. I would go to anybody. I would come to you if I thought you had money.

Q. You knew that McDermott was a big-time gambler?

A. I knew that, and I knew he had lots of

Q. "Mr. Jones" and you are friends?

A. We were born within an inch of each other and we grew up together in - Rome on Brownson in your client?

Q. I have got to caution you, Mr. Jones, sir, I am sorry. I do not know. I do not know of the phone call, but the second phone.

Q. Was it a couple of years before you died?

A. I don't know whether it was a couple of years or three years, etc. I don't know when you as lawyer testified.

Q. Did it ever have conversations or the lawyer of Jones that Schwenn had lost his client?

A. Schwenn didn't get a lawyer into the office. I never knew he was. I knew that conversation and left me a lot of money, and he had been too lazy, and that has to be a statement. So and I lost on money. He had lost on money any time I was interested through gambling, or any reason I was in, I was running to Schwenn to give money to help me out.

Q. And why would you go to him?

A. I would go to anybody. I would come to you if I knowing you had money.

Q. Was Jones that Schwenn's was a gambling problem?

A. I know that, and I know he had lost a of

money and that he was working very well and free-wheeling around the country, and I went to the logical man with the logical amounts of money that I neededd, and I not only went to him, I went to other people.

Q. What other people, apart from Joseph McDermott, did you go to?

A. I went to a guy by the name of Rousseau.

A/5

Q. What is his first name?

A. Joe Rousseau, a floating gambler around the country. He gave me a lot of money.

Q. Apart from floating around, Mr. Gardner, has he have any home base?

A. He is not as stable a person - when I say "stable" I use that word loosely in regard to McDermott. He is not as stable a person as Mr. McDermott, but he is an operator.

Q. Where does he operate now?

A. Well, there is nobody operating now.

Q. No, but where is he at the moment?

A. He may be in Las Vegas I would say ----

THE COMMISSIONER: No, where is he?

A. He would be in Las Vegas, I think.

MR. WILSON: Who else did you borrow from?

A. Finance companies, banks,

Q. What finance companies?

A. Isen.

money and that was working very well and throughout most the country, and I went to the Judgeship and with the Judgeship instead of doing that I needed, and I not only went to him, I went to other people.

Q. Did other people, more than those mentioned, ask you to do

A. I went to a guy by the name of Tourneau.

Q. What is his first name

A. Joe Tourneau, a flourishing politics around the country. He gave me a lot of money.

Q. Have been flourishing longer.

Q. Anything you do have any other people

A. He is not as crooked a person - when I say "crooks" I use that word loosely. He happens to Tourneau. He is not as crooks a person as Mr. Rodriguez, but he is an opportunist.

Q. Where does Mr Rodriguez come

Q. Will your Honor please [illegible] here.

Q. No, but where is he at the moment

A. He may be in San Diego I would say ---

Mr Gustave Hill: No, where is he

A. He would be in San Diego, I think.

Q. Talking. Has also the Judge Tourneau been

A. Minister evangelical here.

Q. Has Tourneau converted

Q. [illegible]

Q. What Isen is that?

A. There is only one Isen in Windsor.

Q. I thought there were two Isens?

A. No, there is only one Isen Finance Company.

Q. Yes.

A. There are two Isens, but there is only one Isen Finance.

Q. You borrowed from them?

A. And Blake Pierce Finance. I borrowed from the Trans-Canada Corporation.

Q. Were there any mortgages on this club property?

A. This I never went into with Leo. Leo was an odd person; he never told his business. Now, he never ever told me there was a mortgage, but after the raid there was something about a mortgage with a finance company, but Leo never discussed that. I had thought when we originally went there that the building was free and clear, and again, this is vague. I am not sure now. He may have told me at some time that he owed money, but I am not sure. Leo Finnigan was continuously in hot water over money.

Q. What security did you give to Joseph McDermott?

A. I gave what every gambler gives - his word of honour that he will pay.

Q. And what percentage of the take did

he get for advancing money?

A. He didn't get no percentage. All he wanted to get back wasthe money he lent me.

Q. Are you saying on oath you never paid back any of the money that was advanced?

A. Did I ever pay back any of the money that he had lent me?

Q. Yes.

A. Yes, I have paid dome of it back.

Q. On a regular basis?

A. I paid it at any time we had a few dollars. When we did I would try and get it to Joe because I wanted to keep in his good graces, in case I needed money again.

Q. What was the rate of interest he was charging you?

A. There was no rate of interest. If I had had $5,000 in my pocket and McDermott had come up and said, "Lend me $5,000. Frank", I would lend it to him. I don't run a loan company.

Q. How much altogether would you say he hadadvanced to you and Finnigan?

A. Sir, I couldn't tell you that

Q. You must have some idea ?

A. I haven't, and I am giving you an honest answer. I haven't the vaguest idea.

Q. Was it $5,000. , $100,000?

A. I don't know what the figure is.

I was continually asking ----

Q. What is your best recollection of the amount?

A. Gee, I don't know. I have got to qualify this answer that I don't know. I am not sure, but it was up in the tens of thousands at one time.

Q. Then how much did you pay back?

A. I couldn't tell you that, either.

Q. You must have some idea?

A. I thought at one time I was pretty close to fair with him, that I was even and back and forth, and then I was dipping in again, but the thing was so complicated that I can't say, and I have already told you I was in a state of confusion during those years, in a mental turmoil, and I didn't know what was happening. I was spinning like a white mouse on a round table.

Q. Was this money that Joseph McDermott advanced to you and Finnigan in cash or by cheque?

THE COMMISSIONER: Think.

A. I don't know. I don't know. I don't know whether it was by cheque -- the biggest part of it - - I don't know if at any time there was ever a cheque. I am not sure. I think the biggest - I think most times it was in cash. I am not sure. I can't give you an answer there, sir. I can't give you an answer.

MR. WILSON: And where was this money to be paid over?

A. Well, I would come into Toronto when I was desperate and I would contact Joe and I would tell him, "I am stuck, I need money. I owe everybody. I don't know what I am going to do," and to be very frank, sir, I used to cry to him. I used to cry on his shoulder and he would always come to my rescue.

Q. Why were you having trouble? The odds are all in favour of the house, are they not?

A. They are?

Q. Yes.

A. Are you an expert, sir, that you can say that?

Q. Based on my reading.

A. I see. You know something about it? Well, I would say that ninety per cent of the gambling houses in Las Vegas today are losers to the action.

Q. Well, that is a little inconsistent with all the investigations that have been made into gambling.

A. Well, I understand that, but a lot of investigations are beclouded by a lot of false issues.

Q. Now, how often from 1953 to the time you closed up, was Joseph McDermott in your

club - on your club premises under the different names?

A. Well, I know of two or three. We had a good rumble on the phone. Joe would call me and say, "When am I going to get some money? Isn't that joint ever going to win any money?" -- and I am dropping into the vernacular now, to give you his words, and my words. He said, "How can you lose every night. How can a joint lose every night?" "I have never heard of it", he would say, "thirty-one winning nights. I haven't heard of it."

Q. Winning nights?

A. I am sorry - losing nights. "I never heard of it", he would say.

Q. So there is another expert who has never heard of losing like that?

A. You haven't?

Q. You are saying McDermott said that?

A. Yes, he complained - Joe ~~XXXXXXX~~ McDermott. There are certain people who have the faculty of making and holding money, and then there's a large majority who have the faculty of making money and losing money. Well, we were in that certain group who lose money continuously.

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B/WJR/1

Q. Now, who kept the — you still haven't told me how many times McDermott was at your establishment?

A. I started to answer and I got to qualify this again; that I'm not sure but he would red hot and raging; not to come into personalities, he can be a little rough at certain times with his actions and voice and he can be a nasty person. Flying at me, when am I going to get some money. So he come flying at me two or three times, red hot temper. He came to my house one time and asked me what he was going to do. We had the only joint in the country that wasn't making money and he couldn't understand why one joint could make money and another joint couldn't make money.

Q. Now, tell me how many times was he in your club under any of the four names?

A. I couldn't give you an honest answer, sir. It wasn't too many times.

Q. When did he start to put the pressure on you?

A. He was always on me. There was pressure the first day he gave me the first $500.

Q. What year did he start to put the pressure on you?

A. From the first $500 that I borrowed from him. He give me a coronary thrombosis.

Q. What did Joe McDermott say he was going to do?

A. He didn't say what he was going to do. If you understand that, how these men and these fellows are, there's a lot of high talk back and forth between one another, and a lot of rough conversation. I don't know how -- what do you mean how?

Q. Did he threaten you?

A. He would threaten me? He would say in a big way -- he didn't threaten me of bodily harm, he didn't say I would be injured in any way. He would say, "God damn you, get my money; I want my money."

Q. When did he take over your operation?

A. He never took over my operation.

Q. When did he get a piece of your operation?

A. He didn't get a piece of my operation.

Q. He just had money in it?

A. He never had money in it.

Q. Where was this money he advanced?

A. This was personal money he gave me.

Q. And Finnigan?

A. He might have gave money to Finnigan but Finnigan didn't actually in no way have any borrowing power. He had a bad record amongst gamblers for not paying up.

Q. The money you got from McDermott you put into the operation of the club?

A. The money that I got from McDermott

I put into a lot of my own personal activities; horses, barbut, craps, all kind of crap places.

Q. You put part of it into the club?

A. Part of it, yes.

Q. And you say these personal gambling operations of yours -- what other operations did you have during this period?

A. I had my own personal outlets; I would go out and shoot barbut, play the horses, shoot craps. That's why I was always in hot water.

Q. Were these other operations, shooting crap, in the Windsor area?

A. Any place I could go and get in a game. If it was in the ladies' toilet I would go in the ladies' toilet. I am a compulsive gambler.

Q. At what locations in this period did you shoot crap in Windsor?

A. Pardon me, I would go up against our own table.

Q. Yes. You are not answering the question.

A. I am telling you that's the only crap game in Windsor.

Q. You say at this Walker Road location was the only one in Windsor in this period of time?

A. Yes, sir, to the best of my knowledge.

Q. And any other games that you personally participated in were friendly games?

A. Well, they weren't too friendly but they were games.

Q. Were they floating games?

A. We are not getting through. I am not getting through to you or you are not getting through to me. I never said -- I said I went to different places to shoot crap. I might have gone to Detroit, Newport, Kentucky, Las Vegas; any place I could borrow a buck.

Q. What were your betting operations?

A. Sir?

Q. Where did you carry on your other betting operations?

A. I had no other betting operation.

Q. Tell us what your betting operation was that you carried on with the horses?

A. Well, any place I could bum a buck; our own tracks or any bookmaker who was silly enough to take a bet.

Q. Who kept the records and the books of all these borrowings you made from McDermott and others?

A. McDermott and myself. We kept them in our heads.

Q. Now, over the period from 1953 down to the time of November, 1957, you had police, either observation, observing this location or actually making raids from time to time,

didn't you?

A. Sir, I'm not quite sure -- I want to qualify that. I told you -- I am vague in the opening dates. I am vague in the closing dates because I was in a turmoil there all that period, during the time we opened and there were several times we closed. We were constantly harassed by the Ontario Provincial Police. Does that answer it?

Q. The time you operated there you were harassed?

A. Continuously, sir.

Q. Yes?

A. Yes.

Q. Now, what arrangements did you make to try to protect the club against this harassment?

A. Well, we built a plywood door with a bolt that withstood the battering ram that they brought in. We spent a lot of money. We put steel screens or iron screens, I am not sure of the quality of the screens but they were massive and bolted into the bricks. We put it on every window in the house. We used inside men for observation and we used outside men for observation. At one time we put in signals of buttons out in the field where men could lay out there and if a police car came along they could press on a button and we could take the game off. All our manoeuvres there were so intricate and costly for a small operation

of that kind that we were continually trying new tactics to confound the police.

Q. What happened when a raid was on or a raid took place?

A. Well, we had men standing in windows. We had three or four men, we built a little shed on the back with screens in it and with slits in it so the men could observe the fields in the back. We had men upstairs looking outside. The police cars had to come in and make either a right or a left hand turn to come into the club, and drive up a short drive and run up some steps, then crash the door.

Q. I see.

A. Now, to the best of my knowledge that door outside the doors we put in on the fire marshal's orders was the only door the police could enter by. We had a massive door on it with a bolt and it was practically impregnable. I don't think the police ever broke down the door. We let them hammer on it while we took the game off. We had no gambling paraphernalia with the exception of dixie cups and place markers; that was all, and a pair of dice. When the police hammered on the door somebody would say, "Take them off." They could take it off in thirty minutes(sic), a minute, and we were in the clear. Now, we used to take the dice -- we had different places for disposing of the dice. Some months

of the year we burned them in the furnace. Other months of the year we had a sink and I built a trap in it so the dice could be dropped down there and pulled into an orifice under the building, and could be retrieved afterwards. Other times we would drop them behind a false wall. As soon as the police left we would retrieve the dice and destroy them in case they came back and would find one of these hiding places.

Q. On a lot of occasions when the police made a raid there was no gambling operation going on, isn't that a fact?

A. Well, I'll tell you —

THE COMMISSIONER: Q. Isn't that a fact, yes or no?

A. Lots of times — lots of times when the Provincial Police made a raid on the club premises, is that what you mean?

MR. WILSON:

Q. A lot of times when the Provincial Police made a raid on the club premises there was no operation on? There was no bank game going on?

A. I can't answer that. I don't know what you mean by that. We gambled as much as we could there.

Q. I suggest to you on those occasions you had had an advance tipoff? Now, whogave you the tipoffs in this period?

A. I needed a tipoff in that spot like

I need four holes in my head. There is nobody gave me a tipoff at any time.

Q. You are swearing to that?

A. I am swearing to that. Nobody gave me a tipoff in regards to any raid on that place.

Q. Do you swear on oath that McDermott at no time advised you of a raid that was about to take place on the club?

A. McDermott ever advise me? McDermott told me I was always in jeopardy, that I could always be raided. McDermott was a perfectionist who said if you stayed on your toes you don't need any protection; that the Provincial Police would never knock the club off.

Q. Did the club not pay a certain sum of money for protection against police activity?

A. To whom?

THE COMMISSIONER: Q. Never mind to whom, did they pay protection money?

A. No, it never.

MR. WILSON: Q. Are you swearing on oath -- you understand the penalty for perjury?

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A. I understand perfectly.

Q. Did you or Finnigan or anybody connected with your operation ever pay any money for protection?

A. Are you asking me to tell you what Finnigan done? Are you asking me to tell you what?

Q. I am asking you to tell me what you know.

A. I am answering the question as for myself. I never at no time ever paid so much as a three cent piece to anybody for protection.

Q. Well --

THE COMMISSIONER: Q. Did you know that Finnigan did?

A. I have no knowledge of Finnigan's actions whatsoever, and I don't believe he ever did.

MR. WILSON: Q. Weren't you present when Finnigan called Toronto and said you weren't getting the protection you were paying for?

A. Did I what?

Q. Weren't you present when Finnigan called Toronto and complained you were not getting the protection you were paying for?

A. This question I don't understand at all.

THE COMMISSIONER: Q. Well, you had better understand it.

A. I don't understand. When would I know when Finnigan called Toronto?

MR. WILSON: Q. I am asking you a very clear question.

A. I had no knowledge. I will qualify the question this way: I had no knowledge of Finnigan ever calling anybody and asking for protection.

Q. I asked you whether you were present when Finnigan called Toronto and complained that they, the club, were not getting the protection it was paying for?

A. Sir, I have no knowledge of that whatsoever.

Q. Now, are you swearing on oath that you had no knowledge of any arrangement to get advance information on raids by the Provincial Police?

A. Who? That I personally had any knowledge?

THE COMMISSIONER: Q. Now, listen; you do not impress me by hedging.

A. Well, I am not hedging, sir. When this gentleman asks me a question I am entitled to understand it.

Q. It is just so plain that a dumb man could understand that.

A. Please repeat the question.

MR. WILSON: Mr. Reporter, would you read that question back, please.

THE REPORTER: "Q. Now, are you swearing "on oath that you had no knowledge of any "arrangement to get advance information "on raids by the Provincial Police?"

A. Yes.

THE COMMISSIONER: Q. You had no knowledge of any arrangements to get advance information with respect to the raids?

A. Hm-hmm.

MR. WILSON: Q. Are you swearing to that on your oath?

A. I have to go back in my mind for a number of years to try and think out whether at any time I had, sir. There was information being given out by any numbers of the Provincial Police Force?

Q. It is perfectly clear. You understand the question.

A. I understand the question all right --

Q. Now, pause beforeyou answer it and answer it truthfully.

A. Yes, sir. I had no personal knowledge but I do have -- I did have an idea that something was going on, that some information was being dispersed somewhere along the line, and I was perturbed about it and wondered what to do about it, and wondered what was going on. I didn't participate in it. I had been told things, that things were happening, and on the face of it it looked so ridiculous; sometimes I believed it, sometimes I didn't.

Q. Well now, who told you about this?

A. Well, sir, there was always people telling you that they could do something for you.

Q. I am asking you who told you?

A. I can't honestly give you an answer there, sir. It was everybody who was talking.

Q. You are talking about your own

clubs now?

A. I am talking about -- yes, gambling in general.

Q. No, you're not.

THE COMMISSIONER: No, you are not.

MR. WILSON: Q. You are talking about the club at Roseland.

A. I was?

Q. Didn't you understand that?

A. No, I didn't.

Q. You had better be very careful now. You are in a very precarious position.

A. Yes, sir.

Q. You are under oath.

A. Yes, sir.

Q. Who told you in the club that some arrangements for protection were being carried out?

A. In my club?

Q. In your club.

A. Nobody. Nobody.

THE COMMISSIONER: Q. Do not play on words. We are talking about the Roseland Club.

A. Our club, and I gave you a definite answer there. In my club nobody told me about protection.

MR. WILSON: Do you know Les Trumble?

A. I sure do know Les.

Q. Did you ever approach him and try to get him to contact Sergeant Hatch who was then

in charge of the Essex detachment of the Ontario Provincial Police in 1957 and try to get him to offer Hatch $500 a month to let the club know when a raid would take place?

A. Never in my life. Knowing Trumble and knowing his connections would I be so ridiculous as to make him an offer of that kind, or a suggestion of that kind?

Q. Do you know any of the senior men in the Ontario Provincial Police?

A. The only senior man up to the rank -- who is now a Staff Inspector, I believe, that I have ever met was Inspector Graham. That was the highest ranking officer I ever met. From then down I talked to John Henderson.

Q. Now, you knew Inspector Hatch, didn't you?

A. I still know Inspector Hatch.

Q. Well, you didn't mention him?

A. Well, I know him, yes. I still know him.

Q. Now, how were the banking arrangements of the club operations carried out?

A. The money for the gambling, sir, or the money for the expenses of the club?

Q. Well, I take it you had a staff to run the club? You had dealers and - or whatever you call them?

A. Yes.

Q. Lookouts?

A. Yes. We would take the money out of the bank roll to pay the various men.

Q. Was it this staff or Finnigan and yourself that McDermott suspected as possibly being a little dishonest when you ran thirty-one nights and lost every night?

A. I never suggested McDermott said we were dishonest. He would have no reason, for one thing, if we were dishonest. All he would want to know about is why we couldn't make money so that I could pay him back what I owed him.

Q. Could you think of any other inference to draw from his suggestion that no club would run thirty-one nights and lose money every night?

A. He, as a gambler, couldn't figure it out. Supposing Leo and I were stealing from each other, it wouldn't affect him in any way. We wasn't stealing his money.

Q. If you weren't stealing his money why was he so indignant?

A. As a professional gambler he couldn't understand how a club could operate -- it didn't matter if you run a handbook, if I had a handbook operation. He said, "Frank, what are you trying to tell me? I am running a place and I can make money, why can't you make money?" That's the only thing about it, just professional talk.

Q. But he wasn't getting his money when that happened, was he?

A. What do you mean by that? The money that I owed him?

Q. He wasn't making a fuss about --

A. He wasn't getting the money that I had borrowed from him and promised to pay back at certain times. That was what he was talking about.

Q. So quite naturally he would be upset if the club, a club like yours, which normally makes money, would run for thirty-one nights and lose money?

A. He wasn't upset about the club running -- he couldn't figure why I was telling him I couldn't pay him what I owed him, and I would tell him we are losing and losing and losing. He said, "Here I am lending you money to make money with and you can't make any money."

Q. Now, in 1957, or take 1956, what was the play running at? What was your volume of business?

A. Sir, I couldn't give you an honest answer.

Q. You as a gambler all your life say that you had no idea of the volume of business?

A. No, I couldn't. From February 9th, 1956, till within a year or so again I could be very vague about a lot of things I say. I was non compus mentis and didn't know what I

was doing.

Q. How long were you non compus mentis, during what years?

A. During all those years that I had the coronary and all this hassle about the money I owed and the police raids and the constant harassment I was under. I was sleeping three hours a night, I didn't know what I was doing.

Q. What year was this?

A. I took the coronary on the 9th of February, 1956, I believe that's correct, and then in the hospital February, 1956. I believe that to the best of my knowledge.

Q. How long do you say you were laid up?

A. I was in the hospital than approximately five weeks with a coronary.

THE COMMISSIONER: Q. What happened?

A. Pardon?

Q. What hospital were you in?

A. The Island Park General Hospital in Detroit, Michigan.

MR. WILSON: Q. How long were you away from the club?

A. This is where I got myself -- when I come out of the hospital the doctor told me not to do anything for six or nine months, or take a year's vacation until I got straightened around; but the club was being pounded on every

night, so I got out of the hospital and went directly back to the club and we had a raid and I had another attack. I had continuous attacks every time the place was raided with this heart condition.

B/3

Q. And it was around about that time that the Ontario Provincial Police tried to put an undercover man into your club, didn't they?

A. They tried to put an undercover man in several times.

Q. I call your attention to Mr. Furbich.

A. A Windsor man?

Q. You remember him?

A. Yes, I do.

Q. And when he -- he wasn't previously associated with the Ontario Provincial Police, was he?

A. Joe Furbich was known around and he had a brother who was known around Windsor. I knew Joe Furbich and I knew where he worked and I knew where he lived. He was a sensitive boy. During this period I was going to a Serbian club where they played barbut. He is either a Serbian or a Yugoslavian but he is in that general order of nationalities, and I knew him very, very well.

Q. When he came to the club for the first time you had him photographed, didn't you?

A. I will tell you exactly what happened there. When Joe Furbich came up to

the club I was always on the alert at the door and scrutinized everybody that came into the club for my own protection and for the protection of the people in the club. When Purbich came to the club he parked his car. The inside man said to me, "There's a strange car outside with a Canadian licence." Now, a Canadian licence automatically made us suspicious because most of our trade was American trade. I looked out the window and Joe Purbich came in. I knew he was there for a reason so I questioned him and this was an uneasy set of circumstances; like Finnigan's son was fooling around with a little Brownie camera and I said to the kid, -- he stepped into the kitchen and I said to the kid, "Grab this guy's picture." I am saying just what I think is right. So I hassled around with Joe Purbich and asked him a lot of questions and got him to fill out some cards and stalled him. I didn't want any Canadians in the club because I was in fear that any Canadian coming in the club could be an under-cover man, and I would like to further go on with this. So I said to myself, "Why does Joe Purbich want to come to the club?" So I went to the Canada Packers where he worked and I said that I was an insurance man and I wanted to get a rundown on Joe Purbich, and they said -- I said, "Was he there?" They said, "Yes, he's here", and I said, "would it

be possible to see him?" They said, "Mr. Purbich is leaving here and he is joining the Ontario Provincial Police."

Q. Was this before or after you took his photograph or had his photograph taken?

A. This was afterwards. No, this was the very next day, the very next morning, to the best of my recollection.

Q. That would still be afterwards?

A. To the best of my recollection and I am not sure about this date, either. Everything here I am telling you I am not quite sure about.

Q. Had you been informed about Purbich before he came to the club by anyone?

A. No, sir.

Q. And that he was an undercover man for the Ontario Provincial Police?

A. No, sir.

Q. You are swearing that?

A. Well, sir -- yes, sir.

Q. Now, who handled your finances at the club? Who looked after the cheques the customers wanted to cash, and so on?

A. Well, sometimes we would take them to a supermarket. You mean in the club itself?

Q. In the club itself?

A. Who was the credit manager there?

Q. Yes.

A. Once in a while I did, and who

handled them after that I'm not sure. At one period I did.

Q. Now, I show you a list of American cheques that were found at your residence at the time of your arrest?

A. Yes.

Q. In November, 1957, and also it lists a number of Royal Bank of Canada cheques found at your residence. Would you look that list over?

A. He was a steward at the club at that time.

Q. Let us deal first with the first group of some twenty odd cheques drawn on Detroit banks, and which I gather were all either returned N.S.F. or payment was stopped, is that correct?

A. This I couldn't tell you. I couldn't tell you and give you an honest answer there for all the money in the world.

Q. Just, for example, let us take two cheques here. One of January 14th, 1956, drawn on the National Bank of Detroit for $1,000 by Irving J. Feldman which the payment was stopped, and February 9th, 1957, -- November 17th, rather, 1956 -- the National Bank of Detroit a further cheque by Irving J. Feldman for $1,000 on which payment was stopped.

A. Yes.

Q. Do you mean to say you don't recall

what those cheques were doing in your residence?

A. Of course I don't. I was in such a turmoil at that time for money, if you showed me a cheque for $100,000 to-day and during those years I couldn't tell you what it was all about.

Q. So you have no recollection at all?

A. Not now.

Q. These cheques were all on American banks?

A. Not individually or collectively, sir.

Q. And the same thing applies to Johnston?

A. Even must have been milking the Army, Navy and Air Force bank. I must have been in some swindle with him for my operating activities. These small cheques would be for food and pest control, but this here would be money that I would have borrowed.

Q. We are referring to that portion of this list that is headed, "Royal Bank of Canada cheques found at the Gardner residence"?

A. Yes.

Q. And there must be some fifty odd?

A. Yes.

Q. And all signed by L.J. Johnston?

A. Yes.

Q. Now, who is L.J. Johnston?

A. He was a steward at the club.

Q. And where did L.J. Johnston have a

bank account?

A. I don't know whether he did.

Q. You don't know?

A. No.

Q. And where is L.J. Johnston to-day?

A. I don't know, sir.

Q. Is he still in Windsor?

A. I haven't the slightest idea. I have already stated I haven't seen him for four or five years.

Q. And you sayit's a swindle?

A. I say I might have been -- it might have been some swindle I concocted to get money for my gambling operations.

MR. WILSON: We will mark that as an exhibit.

THE COMMISSIONER: Exhibit 91. What do you call that?

MR. WILSON: Well, it is a summary of cheques that were found in this witness's residence at the time of his arrest on November 13, 1957.

---EXHIBIT NO. 91: Summary of cheques found in Gardner's residence November 13, 1957.

THE WITNESS: I have no knowledge of these, sir, being found in my house. You tell me it was.

MR. WILSON: Well, we will introduce evidence to that effect later.

THE COMMISSIONER: As of what date?

MR. WILSON: November 13, 1957.

Q. Now, up to the time of the raid on November 13, 1957, what lawyers had acted for the club?

A. There was a lot of them, sir.

Q. Well, who were they?

A. I think James S. Allan had worked for the club, I think that. I don't know whether I went to see Joe Sedgwick once; Martin; we had a lot of men working there. I mean, that we had contacted. I can't remember who they all were.

Q. Now ---

A. I think Wally Rose was one, sir.

Q. Now, when did Martin come into the picture for the first time?

A. I can't remember, sir.

Q. And when did Rose come into the picture for the first time?

A. I can't remember.

Q. Now, as of November, 1956, what was the financial position of the club just before this raid?

A. What wasthe financial position?

Q. Yes, what was the financial posit on of the club just before this raid?

A. We were in good bad shape.

Q. And then if you were in good bad shape how did you manage to employ such high paid talent?

A. Just reach out and borrowed money again, hypnotizing people to get money and kept borrowing money.

Q. You had as counsel for yourself and Mr. Finnigan, Mr. S.A. Martin, Q.C., and Mr. David Humphrey?

A. No, sir.

Q. Who did you have?

A. The man that I had was Jimmy Allan.

Q. Who did Finnigan have?

A. He had -- now, he could have had Martin, he could have had Dave Humphrey, I don't know. There was two or three. There was four of us charged and two were thrown out and they all had lawyers, but I can't give you an honest answer there, sir.

Q. Who paid for those lawyers?

A. Well, I borrowed money to pay part of them.

Q. From whom?

A. I borrowed some from Feeley and some from McDermott.

Q. Some from McDermott?

A. Yes.

Q. And at this time do you recall how much you borrowed from McDermott, at this time?

A. I wouldn't have the foggiest idea. I don't know whether it was ten thousand or better. I am not sure. I couldn't tell you.

Q. You paid James Allan, I take it?

A. Yes.

Q. Did you pay Martin and Humphrey too?

A. No.

Q. You did not?

A. No. I don't know whether Leo took care of that or whether I worked through a lawyer. I don't know. I was going to jail. I had just been pinched and I was sick. I knew that I was going to get a stiff term out of it under the circumstances. I can't tell you exactly what happened there, sir.

Q. Well, what did you do with this money you got from Joe McDermott? Didn't you have enough to pay all the lawyers?

B/4 A. I think that I took -- during that time that I was on bail I think I got some money and I think I went and shot barbut and lost it. I lost a considerable amount of money and I went to two or three people for money. I might have even gone to a finance company for money.

Q. This $10,000 you got --

A. I didn't say ten thousand. I don't know what it was.

Q. And that you got from McDermott to take care of the legal end of it?

A. No. I needed money. I was in a trap and I was trying to get out of it.

Q. Now, after Dave Humphrey on December 7th, 1957, tried to get back from the police the articles that were taken from your

residence as a result of a search warrant being executed there on November 13th, who would he be acting for?

A. He must have been acting for me.

Q. For you?

A. He must have been.

Q. Did you pay him?

A. I can't remember, sir.

Q. Can you remember paying Martin?

A. I know that the money was flying around, it was flying in my hands and in my head. I didn't know where I was.

Q. What was Finnigan's financial position about this time?

A. Terrible.

Q. Yes?

A. Terrible.

Q. And prior to this November 13th, 1957, raid, what services had Walton C. Rose rendered for you or to the Club?

A. Walton C. Rose?

Q. Yes?

A. You mean Wally Rose?

Q. I think he is known as Wally Rose, yes.

A. That's how I know him. I don't know him as Walton C. Rose.

Q. Yes?

A. We had contacted him for something and he come down to see me, or to see Finnigan.

Now, I have got to clarify this because I am not sure. He came down to see -- to the club -- for some sort of business.

Q. Yes?

A. And what he done or what it was all about I haven't got the foggiest notion. I haven't got the slightest idea.

Q. Did you pay him?

A. Not to my knowledge, sir, and agin I might have - I don't know.

Q. You haven't the foggiest idea what he was doing?

A. I haven't the slightest idea.

Q. Have you got the foggiest idea of who sent him down?

A. I must have called him.

Q. You are sure McDermott didn't send him down?

A. I don't know why McDermott would send him down.

Q. No. When was this visit by Walton C. Rose that you were speaking of?

A. Gee, I don't know.

Q. Before the raid or after the raid?

A. Gee, I don't know, sir. I am trying to give you the thing. I have explained my position there,the turmoil I was in, my mental condition and my health. I can't give you specific times, dates or figures.

Q. Now, there was a man named Attwood

who played at your club?

A. That's right.

Q. From Detroit?

A. Yes, sir.

Q. And he won a lot of money one night?

A. He never won; couldn't win fifteen cents. This is the most ridiculous thing that was ever concocted by a police officer. The most ridiculous thing that ever happened.

THE COMMISSIONER: Q. What?

A. About him winning a lot of money. I want to explain this if I have your permission.

Q. Yes?

MR. WILSON: Q. This was Earl Attwood.

A. There were two Attwoods.

Q. Earl was the one who was murdered?

A. Whether he was murdered or what happened to him I am not in a position to know, but this was built up by somebody to a terrific thing to gain his own needs. For that reason, I have got to show you this picture. The police officer built this deal up for his own ends to make it look like an important deal where there was absolutely nothing connected with the Windsor club in any way, shape or form, and I must explain this deal. These two brothers used to come to the club. One time they came in in a milk truck and they didn't want him in because they didn't have any money; didn't have any money, sir. Their total combined money

when they would come to the club was maybe $100 or $120. Their favour figure was $80. They would just come in around 11.30 at night, park the milk truck and come in. One brother never gambled so he would sit up and talk to me. The other fellow went downstairs and he was a sucker gambler. You have a lot of knowledge of craps. He would come in and bet $20 that 11 would be drawn in one shot. Well, you would know the mathematical odds that 11 would come up on the first pass. If 11 didn't come up he would automatically lose that $20. He was a sucker gambler and he would bet on two aces on one roll, so he would dice himself out and fly out of the club. This guy, I didn't like him. I didn't want any money from him and I didn't like his actions. In the meantime they're coming back and losing constantly; but his brother suffered a stroke on the left side of his face and it fell down, as it does, or the right side; it's a little vague. I was sympathetic to him. I used to talk to him and tell him, "Why don't you take this buggy brother of yours out of the joint?" I said, "He's married and has a family." All he would do is come in to the yard in the milk truck or some beat up old car and there was no chance in God's world of ever winning a dollar from him. There was no chance for me to win a dollar from him. He couldn't win money if he stood on his head

for the rest of his life and somebody would throw quarters in his pockets.

(Page 1775 follows)

c/r JMcG/1

THE WITNESS: (Continuing) One night I was talking to his brother and he told me about this guy. He said, "You should see that car of my brother's; he has pictures of broads all around it; he has it sprayed with perfume. He is running around with a lot of young chicks." I am quoting the brother who gave evidence. Mind you, it was nothing bad, just general man's talk, that his brother was playing around with girls, and he was a married man, which, you know, is not too uncommon. I didn't want the man there. That is the point.

MR. WILSON: Q. I think the point you are trying to bring out is that he never won $25,000?

A. He couldn't win 25 cents. And another thing, and this I want to stress, in this game we had a $50 limit, doyou understand?

Q. Yes.

A. I don't know how tough you think it is, you know, to try to beat a game, you can lose a little and you can win a little but you couldn't win $40,000. There are no $40,000 winners. In Las Vegas they don't have that kind of winners.

Q. Well, you know the man was murdered in Detroit?

A. I know through the newspapers and through Sergeant Jack Hatch.

Q. Now then, he had played in your club

the night before or two nights before?

A. You see, this is the point --

Q. That is a simple question. Please answer it.

A. Here is what happened there. I didn't know the guy was dead. I didn't know nothing about it. Now, whether it was that day, the next day or the third day, I don't know. Some American coppers came over and they said they were from the Michigan State Police and there had been an Earl Atwood in our club and he had been murdered, they had found him murdered somewhere. They showed me some pictures and told me he was a security plant police. I might be confused here. He might have been a railroad guard, you understand, because in those days I didn't know what was going on too well. But they showed me some pictures and he was in some type of uniform.

Q. Well, had he been in the club within a matter of days prior to this information coming to you?

A. Sir, I explained to you how this thing used to happen. We got a few bucks --

Q. You told me all that.

A. I don't know.

Q. I say, had he been in the club?

A. I don't know, sir.

Q. Is that what you told the police?

A. I don't know what I told them at

that time. I have a gambling house and I am trying to keep the place open, and the people are coming about a murder in another country and they are trying to involve us in it.

Q. All I am asking you is whether or not he had been in your club --

A. He had, sir.

Q. -- shortly before he was murdered?

A. There is a good possibility he was there shortly before his murder but I cannot definitely say.

Q. Had he won some money the last time he was in your club?

A. He never won a quarter in his life.

Q. You say he didn't?

A. He never won five cents.

Q. How many visits did he have to your club?

A. I couldn't tell you.

Q. In, say, the period of six months before he was murdered?

A. I couldn't tell you. I haven't the foggiest idea.

Q. I take it he was the exception if he lost money in your club?

A. Well, I explained what type of gambler he was to you. I told you he was a man and where other people would play their money and put it on points or play the line, this man wanted to win all the money on one shot.

Q. And he was a compulsive gambler who had the wrong odds?

A. He had the wrong odds and the wrong approach to life probably.

MR. WILSON: I am going to be some time with this witness, Mr. Commissioner.

THE COMMISSIONER: Very well. We will have a ten minute recess now.

---A short recess.

MR. WILSON: I wonder, Mr. Commissioner, if this witness should not be warned that if he swears he did not remember and is later shown that he knew, that that is just as much perjury as making an affirmative statement that is false.

THE COMMISSIONER: Yes. You realize that?

A. Of course.

MR. WILSON: Q. I just want to clear up Lloyd James Johnston who is the man who signed all those cheques?

A. Pardon me, before we go on, again I would like to invoke that Canada Evidence Act.

Q. Oh, it is still in force. Isn't it a fact that Johnston disappeared from Windsor?

A. Yes, he did, sir. Whether he disappeared from Windsor I am not sure; he could still be in Windsor. I have no knowledge of Johnston's whereabouts. One day he came to me for the money of the cheques and I think this is right, he said he had to pay some bills the

following day and I or somebody else gave him the money, I am not sure what happened. Anyway, he got some money. And the following day, whenever that was, he drew the money out of the bank account for the Army, Navy and Air Force. He withdrew the funds from the Army, Navy and Air Force Club the following day, I believe. I am not sure. It could have been the day after that. It could have been the same day. I am not sure. But he did withdraw the funds and we didn't see Him again.

THE COMMISSIONER: Q. Out of what bank did he withdraw them?

A. I think, sir, they have a record. I am not sure of the bank.

Q. I am asking you?

A. I don't know what bank it was at that time. I cannot remember whether it was the Royal Bank or what. It might have been the Royal Bank on Ouellette Avenue, but I am not sure.

Q. What part of Ouellette Avenue?

A. It would be -- I -- it would be on Ouellette Avenue between -- right across -- down by Mario's Tavern. I think that would be the closest I could put it.

Q. Near Wyandotte?

A. It would be south of Wyandotte.

Q. Towards the river, you mean?

A. No, the other way. I mean north of Wyandotte. I am mixed up. Yes, north of Wyandotte.

Q. You mean towards the river or the other way?

A. No, it would be the other way, sir. The bank there, it might have been the Royal Bank but I know where it is. I know where the bank is.

Q. What bank did you do your banking operation in?

A. This is the bank I am referring to.

Q. Is that where the club account was kept?

A. That is the one I am referring to.

Q. That is where the club account was kept?

A. Yes, sir.

Q. Did you have any signing authority in the bank?

A. No, I think Jimmy, the steward, did.

Q. I am asking if you did?

A. No, I cannot remember. I think he, as the steward, used to sign because I would ask him for money and he would have to sign the cheques to give me the money. I am not quite sure, sir. I am not hedging. I am just not sure.

Q. Is there any other bank where you did your banking operation?

A. There was a bank across the road that I was in and out with cheques.

Q. What bank was that?

A. I think that might have been the Bank of Montreal. I was in so much trouble there. There is a bank on the corner across from Loblaw's.

Q. On what street?

A. On Ouellette Avenue.

Q. Across from Loblaw's?

A. Yes. Loblaw's has a big supermarket one block down from Wyandotte just south of the United Church. Now, that bank is on that corner there. The name of the bank I don't know, but I know the location of it.

Q. Did you have an account there?

A. I had an account there.

Q. Your own personal account?

A. Yes, sir.

Q. Did the Army, Navy and Air Force Club have a bank account there?

A. No, sir. This is what I am telling you. I am confused. The other one was across the road but in the same general vicinity.

Q. The other one was what bank?

A. I think it could be the Royal Bank. I am not sure.

Q. How much did he draw

A. The day that he left?

Q. Yes.

A. I don't know. It wasn't too much. I am not sure what he had in there.

Q. Well, was it $5,000?

A. There is a possibility it could have been, sir. I am not sure.

Q. Could it have been $10,000?

A. It could have been. I am not sure.

Q. Could it have been $20,000?

A. No, sir, it couldn't have been. I mean, sir, we are getting down to common ground now. I know it couldn't have been that kind of money.

Q. Whose money was it?

A. Well, I think Jim Johnston was using that bank ---

Q. Excuse me, whose money was in that account?

A. Part was the club's and part Johnston's personal account, sir. He used our club's bank account to put his own money into. He would do that.

Q. In whose name was the account?

A. In Jim Johnston's. I am wrong; the Army, Navy and Air Force Club was the name with Jim Johnston as the steward.

Q. As the signer?

A. Yes.

Q. So it was the Army, Navy and Air Force Club's money?

A. On the face of it.

Q. What do you mean?

A. He used it for his own personal banking.

Q. Maybe he did; but it was the club's

money. That is the point I am trying to make with you. Isn't that so?

A. I see.

Q. Isn't that so?

A. Sir, technically I guess -- I am not trying to be flip or smart; I know that Jim Johnston used to put his own money into that account.

c/2

Q. Well, witness, who were the owners of the club, to start with?

A. We were.

Q. You and Finnigan?

A. That's right.

Q. And nobody else?

A. Yes.

Q. So that the money that went into that account, you would be vitally interested in it?

A. Yes.

Q. It was your money and Finnigan's?

A. All right, sir.

Q. Yes. It was put in that account?

A. Yes sir.

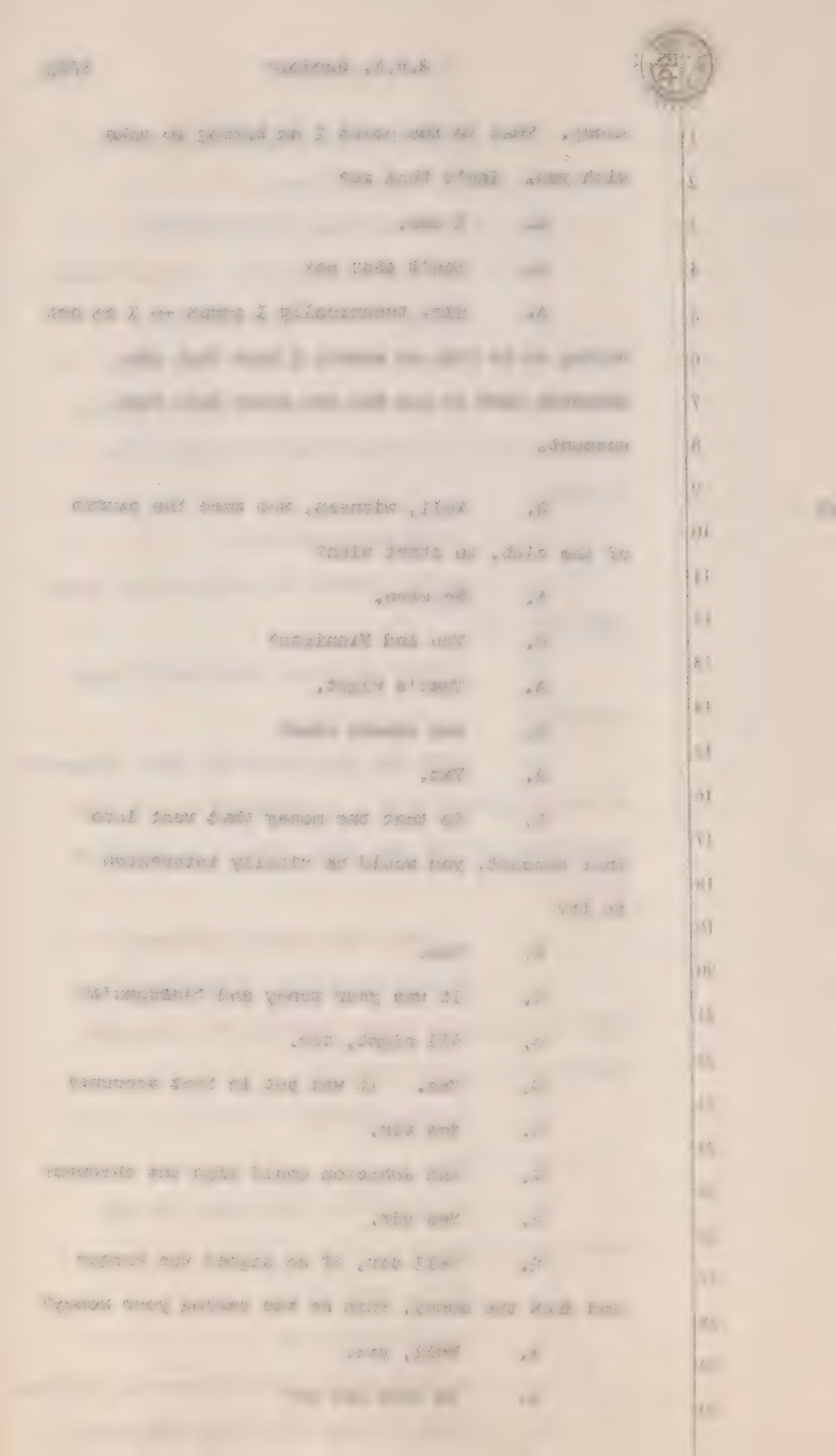
Q. And Johnston could sign the cheques?

A. Yes sir.

Q. Well sir, if he signed the cheque and drew the money, then he was taking your money?

A. Well, yes.

Q. Is that not so?



A. Yes sir.

Q. What did you mean when you said his money was in there?

A. He used to use that to put his money into. If I could explain to you, supposing we had $300. in the bank, that belonged to the club. Now, Jim would use that bank account for his own banking account too. Like, supposing he had money, he had $150. well, when he would bring the stubs in and show them to me he would tell me, "This $150. belongs to the club and this $150. is mine". I didn't think it was bad because I thought the kid was saving. I was interested in him saving a buck, but I think that is as clearly as I can explain it to you.

Q. Well, he wasn't a kid?

A. Well, I considered him - - I think that is a common expression, sir, that you call somebody ----

THE COMMISSIONER: How old a man was he?

A. I thought Jimmie was around 31, 32. I am not sure.

Q. You are not far out.

A. I am not too sure.

Q. We have this much, in any event, that the money in that account was your money, yours and Finnigan's?

A. Yes sir. We were responsible.

Q. Now, did you and Finnigan have an

account in any other bank?

A. Together, jointly?

Q. Yes, take that first, jointly?

A. No sir.

Q. Did you have money in any other bank under any other name?

A. No? No sir. Are you talking about Finnigan? First you said Finnigan and myself.

Q. Your partnership, if you like?

A. No sir, I never had a bank account in my life under any other name but Gardner. Now, what Leo done, I don't know. He told me one time that he had had a bank account under another name. I never inquired about it. It wasn't a joint account. It had no bearing on my business whatsoever.

Q. Just a moment. You and Finnigan were partners?

A. Yes sir.

Q. Your partnership, and I am putting it in a very rough way, your partnership had an account in the Royal Bank on Guellette Avenue?

A. Under the Army Navy and Air Force.

Q. Yes. That was your money, yours and Finnigan's?

A. Yes.

Q. Now, did this partnership have any money in some other bank?

A. No sir.

Q. Did Finnigan?

A. I cannot answer for Finnigan.

Q. You have no knowledge of that?

A. No knowledge at all. Onetime he told me something that he walked into a bank and he saw two names on calendars on the walls, and he made a hyphenated name out of the names and this just rolled off me, I didn't pay no more attention to it.

Q. Where was it?

A. I don't know, sir.

Q. You have a very, very poor and convenient memory.

A. Well, sir, I didn't go to Leo Finnigan when he went to the bank, I didn't go with him. I didn't know where he went.

Q. You told me that he told you something about an account with a hyphenated name?

A. Right, sir.

Q. Now, where was it?

A. I haven't the foggiest idea.

Q. When did he tell you?

A. I couldn't tell you that either. This would be - - I don't know whether this was back in the days when he had the factory, when he was gambling and he won some money or whether it was when we were in business. I am not sure. I haven't the slightest idea when it happened.

Q. Well, your partnership with Finnigan

began in 1953?

A. My partnership -- before that we used to go to Toledo gambling together. Leo would carry me. If he got lucky,he would stake me. We would go to Newport, Kentucky together. If he got lucky, he would stake me. We would go to the race track together. It was a partnership of two compulsive gamblers. We were gambling 18 hours a day.

Q. If he staked you did you pay him back?

A. Never paid him back.

Q. How much money did you get from Finnigan?

A. I don't know.

Q. Would it amount to $50,000?

A. I don't think so but he would give me ---

Q. Just a minute. Would it amount to $50,000?

A. I couldn't tell you, sir.

Q. Would it be more than that?

A. I couldn't tell you. I wouldn't have - - could I say this?

Q.Just answer the question. Would it be less than that?

A. Yes, it would be less.

Q. How much less?

A. Well, if you would give me a chance

to explain.

Q. No, I am just asking you to answer my questions.

A. He would give me $500 or $200 in a game and I would lose it in the game, if he did that, I wouldn't have no way of knowing it. Supposing you gave me $50 three times a night and told me, "Here, take a shot in the game". That would be borrowed money but I wouldn't know.

Q. Are you trying to tell me that you kept borrowing money from Finnigan up to the point where it may have amounted to $50,000 and he never asked you to pay it back?

A. Sir, he gave me ----

Q. Is that what you are telling me?

A. Well ----

Q. Is that what you are telling me?

A. I don't know. I cannot ---

Q. Please. Now, Gardner, you understand the English language perfectly well?

A. I certainly do, sir.

Q. Are you standing there and telling me and expecting me to believe that---

A. I have no ---

Q. Wait a minute. That Finnigan would stake you from time to time until you owed him $50,000?

A. I didn't say I owed him $50,000.

Q. Well, upwards of $50,000?

A. I don't know. I don't know what I owed him.

Q. And he never asked you to pay it back?

A. Of course sometimes he would say, "Are you going to give me back some of the money you owe me?", but I never did. I never had it. I was always in his debt. I was in everybody's debt.

Q. I understand that is a fact.

A. Yes sir.

Q. But I am only talking about Finnigan.

A. Well, sir, that was the same thing there. I borrowed ----

Q. He was a very trusting partner of yours, wasn't he?

A. I don't know whether he was trusting or whether he just liked to go gambling with me or whether he liked the companionship or whether he had nobody else to go with.

Q. If he loaned you up to $50,000 and you didn't pay it back I should think that he wouldn't want your company very much?

A. Well, he seemed to ----

Q. He seemed to like you?

A. Yes sir.

Q. And you liked him pretty well?

A. Well, I am not a person who has ----

Q. I say you liked him pretty well?

A. I liked his -- the accommodation of his money, sir.

Q. Well, I would have thought so.

A. Yes.

Q. You liked him so well that you were talking to him on the telephone recently in Winnipeg?

A. Yes, I was.

Q. What about?

A. Well, I told him the Royal Commission was going to sit.

Q. What date was that?

A. I don't know.

Q. How did you happen to know where to reach him in Winnipeg?

A. I didn't know. Here is what I done; I called, you see, when he was making the car, after he got through manufacturing the car he went to Winnipeg. So his name is Leo Brian Finnigan. Now, that is an unusual name, Leo Brian Finnigan. I got on the telephone and called the Long Distance operator in Winnipeg. I asked her if she could locate a Leo Brian Finnigan, and that is what happened.

Q. She located him?

A. Yes, she did, sir.

Q. Do you know where?

A. Some suburb of Winnipeg. I have never been there.

I don't know. Seem to what I done; I called, you see, seem to see moving this one, either to see anything resembling this and to work to discovery. So his mean to lay brain Flounder, but, that is to measure same, has to see Flounder. I go on the [illegible] and called one time, [illegible] to discovery. I mean but if not make Jerome I lay brain Flounder, but that is [illegible].

[illegible] Lumbering Lake

[illegible], one day, bite.

[illegible] the lake [illegible]

[illegible] seems working of discovery. I have [illegible]

Q. Do you mean to say that you didn't know what Finnigan was doing in Winnipeg until you learned about it through the LongDistance operator?

A. From the day that I got arrested ---

Q. Is that what you are swearing to?

A. That I didn't know where Finnigan was?

Q. Tha_t you didn't know where he was in Winnipeg and what he was doing?

A. No sir.

Q. Until you got the information from the LongDistance phone operator?

A. No sir. I knew he wasin Winnipeg and that was all.

Q. Why were you so interested in telling him a Royal Commission had been created?

A. Well, I thought that it was an important thing, that he should know that a Royal Commission had been appointed.

Q. Why?

A. Why not? I thought that everybody would be involved in it.

Q. I know, but you looked after yourself; you owed him a very considerable sum of money?

A. I owed him a considerable sum of money and maybe that was the reason I called him, to tell him that the Royal Commission was going to sit.

Q. What did that have to do with the debt you owed him?

A. Well, just a matter of a gambler's policy, sir.

Q. What do you mean by"Gambler's policy"?

A. Well, just the way the world goes in the gambling fraternity. If there is a grape vine, everybody knows what the other man is doing. You try to keep everybody informed on what is going on.

Q. Have you been carrying out that policy since this Commission was established?

A. No, sir, I haven't.

Q. Well, you telephoned Finnigan?

A. That is the only man I telephoned.

Q. Do you mean to say you weren't talking to McDermott?

A. Of course not.

Q. You have not talked to him?

A. I haven't talked to McDermott, sir, on my solemn word of honour. I haven't talked to McDermott. The only man I talked to has been Leo Finnigan, the only man in the whole world.

MR. WILSON: What about David Humphreys?

A. I talked to Dave Humphreys as an attorney. I talk to Wally Rose as attorney and I talk to Lou Herman as an attorney. I tried to get an attorney to appear for me for no money.

THE COMMISSIONER:

Q. Had Herman ever acted before for you?

A. Yes.

Q. When?

A. I cannot remember.

Q. Have you no idea?

A. I cannot remember the date at all.

Q. Can you remember the year?

A. Well, the year we got arrested was in 1957. Now, whether he came down on the first trial or whether he was there on the final trial, which would be the first day of 1958, I am not sure.

kC/3

Q. Is that the only matter in which he acted for you?

A. To the best of my -- I think so, sir. I am not sure. I am not absolutely sure. Whether he acted for the Fire Marshal or not, I am not sure, sir.

Q. Well if he did any work in which you would be interested he got his instructions from somebody else?

A. Not to my knowledge, sir.

Q. Well, if you only gave him instructions with respect to your defence at the time that you were arrested, whenever that was, and he performed some services for you later in which you were interested, he must have got the later instructions from someone else?

A. I don'tknow, sir. I don't know.

Q. Take your hand off your mouth and

I will hear you better.

A. I called him.

Q. Pardon?

A. I called him on Adelaide Street.

Q. When?

A. During that period, sir. I am not sure.

Q. About what?

A. You asked me in regards to the time we were arrested at the club?

Q. Yes.

A. Well, during that period. What date, I don't know exactly.

Q. You called him for the purpose of having him represent you in connection with that arrest?

A. To try to find out what I could do to get some legal advice. That is what I wanted to do. I wanted legal advice. I was in a trap and ----

Q. You wanted a lawyer to act for you, did you?

A. Yes sir, but you also consult lawyers for legal advice without acting for you.

Q. Well, why were you calling Hermann?

A. For legal advice.

Q. About what?

A. About this pinch, I guess.

Q. Well, didn'tyou have another lawyer

I will meet you no-one.

A. I meeting him.

Q. [illegible]

A. I calling him on Monday January.

Q. [illegible]

A. Meeting place general, etc.

I do not recall.

Q. [illegible]

A. You meant he is trustee in the wind up of [illegible] as the claim?

Q. [illegible]

A. Well, meeting here perhaps. [illegible] now, I don't know exactly.

Q. You called him for the purpose of [illegible] you in [illegible] [illegible]

A. It may to that out that I could do [illegible] legal advice. That is what I wanted to do. I [illegible] legal advice. I was [illegible] [illegible]

Q. You wanted a lawyer to act for you.

[illegible]

A. Yes sir, but you also consult lawyers [illegible] legal advice without [illegible] for you.

Q. [illegible] [illegible]

A. Not legal advice.

Q. [illegible]

A. [illegible] I [illegible].

Q. [illegible] [illegible]

acting for you in connection with the "pinch", as you put it?

A. The arrest, sir, I think I got in touch with Allen afterwards or Barney Cohen, I am not sure.

Q. I want to know why you were calling Herman?

A. I was calling for legal advice.

Q. In connection with the arrest?

A. I think so, sir.

Q. Well, are you sure?

A. I am not sure.

Q. Well, if it was for something else, what was the something else?

A. We had four men under arrest for this case and I was trying to get legal advice. I was trying to get legal counsel for them all. I was trying to raise money. I had to shop around to get money to pay these men, to pay for the "talents". I was shopping around maybe to make a deal, to get ahold of somebody to see what they would charge, what the thing would cost me. The whole situation was in such a state of flux, turmoil, I didn't know where I was at.

Q. Do you know where you are at today?

A. I certainly do, sir.

Q. Now, then, knowing where you are at today, why were you calling Herman?

A. Sir, I don't know outside of applying

for legal advice.

Q. You know what I am talking about, don't you?

A. No, I don't, sir.

THE COMMISSIONER: You take the witness, Mr. Wilson.

MR. WILSON: Q. What previous connection had you had with Louis Herman prior to the arrest in November, 1957?

A. I talked to him, I believe, before but I cannot remember when. It was during those years. I cannot remember. I might be saying - - if I say I did, I might be swearing wrong because I am not sure.

Q. Isn't it a fact that you had him act for you over the years?

A. Over what years?

Q. Say from 1954 on until the time of this raid in November of ----

A. Act for me for what, sir?

THE COMMISSIONER: Witness, act for you, period?

A. But - - no - - act for me - - I wasn't arrested.

MR. WILSON: Q. Maybe somebody else was having him act for you. Would that be the answer?

A. No, sir, no, it wouldn't. If Lou Herman acted for me he acted for me whenever the occasion arose.

Q. And you have no recollection of him having acted for you apart from this arrest in November, 1957?

A. I told ----

THE COMMISSIONER: Answer the question.

A. --- the Commissioner here - - -

Q. Answer the question, please.

A. - - - that I had talked to Herman. I don't know whether it was about the Fire Marshal or not.

MR. WILSON: Q. Let's go back to 1954. I produce to you a letter of July 29th, 1954, from Louis Herman to the Commissioner of Police for Ontario. The first paragraph reads:

"As you have been previously advised "we act for the Roseland Unit of the "Army, Navy and Air Force Veterans in "Canada with regard to whom we received "your letter of the 9th instant".

A. Yes.

Q. At that time was he acting on your instructions?

A. This is when he acted for my son who was charged with obstruction.

Q. I say at that time was he acting on your instructions?

A. On my instructions, yes sir. Yes, I remember; that was when Bob was hit by a crowbar or something.

Q. And you have no recollection of
who [illegible] that you [illegible]
[illegible]?

A. I didn't ---

THE CHAIRMAN: Answer the question.

A. --- the Commissioner looks - - -

Q. Answer the question, please.

A. - - - since I had arrived in Germany.
I don't know whether it was before the Fuehrer reached
[illegible].

Q. Consider it, don't [illegible] [illegible].
I propose to read a passage of Judge [illegible],
from Lord's Summons to the Commissioner of Police
[illegible]. The Fuehrer paragraph reads:

"As you have been previously advised
we are for the Treasurer Guest of the
"Army, Navy and Air Force Veterans in
Canada which regard to which we received
your letter of the 9th instant".

A. Yes.

Q. At that time was he working on
your [illegible]?

A. This is what he meant for my
[illegible] who was charged with observation.

Q. I say at that time was he working
on your investigation?

A. Oh my [illegible], yes sir. Yes.
I remember; that was when Bob was [illegible] by a
[illegible] or [illegible].

Q. That was a complaint about the actions of the Ontario Provincial Police in a raid or a search made of the club premises?

A. Well - - - -

Q. Well, read it for yourself.

(Document produced to witness)

A. All right. (Pause - - while witness reading).

Q. It is clear that he was making a complaint on behalf of the club?

A. Yes.

Q. As to the actions of the Ontario Provincial Police?

A. Yes, sir.

Q. Was he doing that on your instructions?

A. Yes sir.

Q. He did that on a number of other occasions?

A. Yes sir.

THE COMMISSIONER: Take your hand down from your mouth. I cannot hear you very well.

A. Yes sir; he was acting on my instructions.

MR. WILSON: That will be Exhibit 92.

---EXHIBIT NO. 92: Letter dated July 29th, 1954, from Louis Harman to Commissioner of Police for Ontario.

MR. WILSON: Q. Why couldn't you get a lawyer in Windsor to act for you to make these complaints?

A. I thought - - if my thoughts are correct, I thought that maybe somebody closer to the seat of the Provincial Administration would be better to have than to have a local lawyer, and furthermore I didn't have too much faith in the local lawyers.

THE COMMISSIONER: What is the date of that letter?

THE REGISTRAR: 1954.

THE COMMISSIONER: Addressed to whom?

THE REGISTRAR: Commissioner of the Ontario Provincial Police, sir, from L.Herman.

THE COMMISSIONER: All right; proceed, Mr. Wilson.

MR. WILSON: Q. Who introduced you to Herman and suggested you go to Herman?

A. There was some Toronto gambler here who I come in to see and we wentto the race track together and I believe that I was at the Woodbine and I said, "Do you know any good man I could go and see?" I wanted a man that knew what he was doing, a good capable man. And I think he suggested Lou Herman.

THE COMMISSIONER: Q. Who was the gambler?

A. I think his name was Burley Tatro.

Q. You think his name was ?

A. Well, his name was Burley Tatro. Or his name would be Joseph - - I am not sure who it was. I am not sure. I would like to be sure on that point.

Q. I will give you sixty seconds to make sure.

A. Well (Pause) Well, Commissioner, I cannot remember exactly who told me.

Q. Why did you name him "Tatro"?

A. Well, it was going in my mind. I was turning over the names of people who might have suggested Lou Herman, brought him to my attention. I ~~felt~~ thought that he might be the man, but I don't know whether he died before then or he has died since then. I don't want to give the name of a dead man who might have mentioned him.

Q. Tatro is dead now?

A. Pardon?

Q. He is dead now, is he, Tatro?

A. I say I don't know whether he was dead then --- he died recently. I am not sure.

Q. Is he dead now?

A. He is dead now.

Q. How do you know that?

A. Well, I heard it or read it in the paper or have some word of it but I don't think -- I don't want to use the name ----

Q. Was he a good friend of yours?

A. Not too well.

Q. Well he was good enough that you were with him at the races and you were confiding in him?

A. I don't know whether this was Tatro or not. Like I said, I am talking about a man who is dead. I would rather not say it was him. I would rather go back in my mind and try to think of somebody else who might have said it.

Q. He is a good friend of yours and unfortunately he is dead?

A. Yes sir, but I am not using him as a reference.

Q. I beg your pardon?

A. I am not using him as a reference.

Q. Nobody is suggesting you are using him as a reference although you say you did on that date want him to refer you to some lawyer?

A. Well, I don't know whether it was him or not, sir. I cannot remember.

Q. Well, he is dead anyhow and he was a friend of yours?

A. Well, I knew him. We will say that.

Q. Let me tell you about another man who is dead, and who was a friend of yours. Did you know Pete Carrado?

A. Pete Carrado?

Q. Yes. Detroit?

C/4 A. I know him through pictures and reputation.

Q. Oh, no, you were a friend of his, weren't you?

A. A friend of his, sir?

Q. Yes.

A. No sir.

Q. Well, you wanted to go to his funeral?

A. I went to his funeral.

Q. Did you?

A. Yes.

Q. Are you sure of that?

A. Yes, I am sure of that.

Q. Allright; you were close enough to him that you went to his funeral?

A. Yes.

Q. What did Joe Carrado do in Detroit?

A. Pete you mean.

Q. Pete Carrado, I am sorry.

A. Pete Carrado had a music company.

Q. What else?

A. And he had cigarette machines, juke boxes.

Q. He was the enforcer, wasn't he, in the old days in Detroit?

A. Not to my knowledge.

Q. What?

A. Not to my knowledge, sir.

Q. You didn't know that?

A. I read it in the paper but I don't

Q. Oh, no, you were a friend of his.

Witness's proof

A. A friend of his, sure?

Q. Sure.

A. Of course.

Q. Well, you wanted to go to his funeral?

Counsel:

A. I went to take flowers.

Q. Did you?

A. Yes.

Q. Did you carry it?

A. Yes, I am sure of that.

Q. Although you were other wise occupied on that day, did you go?

A. Yes.

Q. Have did the Chevrolet to in be parked?

A. Near the [illegible]

Q. Even [illegible], I do notice.

Q. Is the Chevrolet had a [illegible] engine.

A. Dual [illegible]

Q. And he had [illegible] [illegible]?

[illegible]

Q. You are not [illegible] [illegible].

In the old days in Toronto?

A. Are he my acquaintance.

Q. Sure.

A. Have to my acquaintance, sir.

Q. You didn't know, [illegible]

A. I would 16 in the [illegible] but I don't

know whether he was the enforcer.

Q. Well, here we have you, a friend of Pete Carrado, the enforcer, in Detroit, and you went to his funeral?

A. Yes, I did, sir.

Q. Tell us more about your association with him?

A. There is nothing more to tell, sir.

(Page 1805 follows)

D/1/LR

Q. Before you went to his funeral you were wondering as to the advisability of going, were you not?

A. Of course not.

Q. What?

A. Of course not.

Q. No?

A. Why would I -- to go to -- he couldn't hurt me or hurt anybody else if he was dead.

Q. No, of course he could not, but let me suggest to you a reason why you perhaps hesitated to go to his funeral. Some persons in Detroit had a piece in your Roseland Club and you were afraid that the police would be keeping their eye on you and be a bit suspicious if they saw you at Pete Corrado's funeral. Isn't that a fact?

A. You are telling me that I was afraid to go? I was never afraid to go to Pete Corrado's funeral. I went over there and went to the funeral home and went to the bier and met everybody there. I had no fear of going to Pete Corrado's funeral.

Q. Did you ever tell anybody that you hesitated to go to his funeral because the police would be watching you and connecting you with the Detroit interests that were in your club?

A. Of course not.

Q. You didn't tell that to anybody? You are swearing that on your oath?

A. I cannot say that I may not have said it in a vague way now. I may have mentioned anything.

Q. Now we have got that much out of you, that you might have mentioned it?

A. I might have; there is a possibility.

Q. Why would you have mentioned it to anybody?

A. Well, there is a possibility if you are going to a big man's funeral or supposedly a big man's funeral, that all the Detroit officers would be there including the different branches of it, including the F.B.I. With a man of this stature in the country, anybody that went there, who would be in the funeral there, would be made as an associate or friend.

Q. And you did not want to be seen over there at Corrado's funeral because of the association with the Detroiters in your club?

A. I did not want to go ---

Q. Is not that a fact?

A. No sir.

Q. Do you swear to that?

A. That I did not want to go? You will have to phrase this again, if I am to swear to it, yes sir.

Q. Do you swear that you did not tell anybody that you were hesitating to go to Corrado's funeral because the police would associate that circumstance with the fact that you had connections in Detroit who were interested in the Roseland Club?

A. I might have said that I didn't want to go to Corrado's funeral in case people got the implication that I might be doing business with Pete Corrado.

Q. Who in Detroit had an interest in your club?

A. Who in Detroit had an interest in my club?

Q. Yes. I am asking you, and you are on your oath. Take your hand down from your mouth. Who in Detroit had an interest in the Roseland Club with you?

A. Who had an interest?

Q. You heard me and I want an honest answer.

A. I am trying to give you an honest answer.

Q. Then let us have it without any more delay. Who in Detroit had an interest in the Roseland Club with you? Come on! Give us the answer, and remember, you are ~~making~~ under oath.

A. I remember that.

Q. All right. Now I want to know who he was.

A. Sir, I have to have a chance to think.

Q. No, you can tell me without hesitating.

A. I didn't say there was anybody.

Q. I am asking you who he was and I want an answer and I want it quick. Now come on, tell us; do not hesitate?

A. Who had an interest ---

Q. --- in the Roseland Club with you.

A. The only interest that anybody had in the Roseland Club was that people used to come over when I was broke, and they would run a crap game.

Q. I am not talking about that. Who had a piece of the Roseland Club with you and was in Detroit? Now you are under oath, and I have told you all about the possibility of your being charged with perjury.

A. I understand that.

Q. And you know what the punishment is for perjury?

A. Yes I do.

Q. All right. Come across with the truth: who was it?

A. The only people that had any connection with the Roseland was people who would

come over there and run betting games at night. Nobody put their money in the Roseland Club; nobody had an interest. I borrowed money from everybody.

Q. Now that is your considered answer?

A. That is my considered answer.

Q. That nobody in Detroit had a piece of the Roseland Club?

A. No sir. The only people that had anything were the men who would come over there certain nights when I was broke and bank the game.

Q. And bank the game?

A. Yes.

Q. That is put their money in so that the Roseland Club could continue operating. Now, who was that?

A. Well, there was a Billy Giacalone.

Q. I was about to ask you about Giacalone. Mr. Wilson, perhaps you could ask him about that.

MR. WILSON: Well, tell us about Giacalone?

A. I wonder if I might have some more water.

Q. Yes, certainly. Maybe you had better give us the spelling. Give the reporter the correct spelling.

THE COMMISSIONER: G-i-a-c-a-l-o-n-e --- Vito Giacalone, known alias as Billy. That is correct, is it not?

A. That is correct.

MR. WILSON: Tell us about Giacalone.

A. The only thing I can tell you about him, he is a gambler.

THE COMMISSIONER: He is the man who was coming over and helping you out financially, in the club, is he not?

A. He is a gambler, yes.

Q. He was helping you out financially in the club, was he not?

A. Right.

Q. Tell us all about him. In Detroit he controls all the gambling places. In Detroit right now, doesn't he?

A. No sir.

Q. No?

A. No sir.

Q. Does he control any of them?

A. No sir.

Q. Do you know that?

A. Yes sir.

Q. Who does?

A. I do not know.

Q. How do you know he does not?

A. I know he is on the sidelines and is broke, and is not controlling anything.

Q. How do you know that?

A. Because I have talked to him.

Q. When?

A. In the last three years.

MR. WILSON: Well, when he came over and ran the bank in your club, as you put it, is it not a fact that at that time he was the top man in the Detroit Area?

A. Oh no, sir. No, Billy was not. Billy is a guy who was just coming up, a young guy. He had got one leg, and he was just coming up, trying to make his mark in the gambling business.

Q. Did he control a lot of the bookmaking too?

A. No he did not.

Q. What about the numbers racket?

A. He might have. Anybody in Detroit could have a number pool. There is hundreds of them over there. There is literally hundreds of different combinations over there.

Q. How did you work it out with Giacalone about the division of the take when he ran the bank?

A. I would get ten per cent.

Q. Was Giacalone mixed up in narcotics too?

A. Not to my knowledge. I have never --- the only way Iwould know that would be through the newspapers, and I have never read Billy's name ever connected with narcotics.

Q. When did you last see him?

Q. Do you know Jackson?

A. Yes, I know him very well. I have been friends with the family for years. He is not a hard drug addict. He was the boy who in fact discovered Brown.

Q. Do you, sir, do, finally was Jackson, in a guy who was just coming up, a young guy. He had got one leg, and he was just coming up, trying to make his mark in the vanishing business.

Q. Did he control a lot of the vanishing business?

A. He had lots.

Q. What about the numbers racket?

A. He ought know. Anybody in Detroit would have a number pool. There is hundreds of that over there. There is literally hundreds of different operations that there.

Q. Now did you work it out with Jackson about the distribution of the take when he was the leader?

A. [illegible] the [illegible].

Q. Was Ellenstein mixed up in operations [illegible]

A. Not to my knowledge. I have never [illegible] the [illegible] and I have never read Hoffa's [illegible] [illegible].

Q. Then you don't know [illegible]

B/2

A. Within the last three years.

Q. Well, you remember Agueci being murdered in Rochester?

A. Agueci?

THE COMMISSIONER: Agueci.

MR. WILSON: Maybe my pronunciation is not right.

A. Agueci.

Q. Agueci, yes.

A. Through the newspapers, yes sir.

Q. Have you seen this man since that time?

THE COMMISSIONER: Take your hand down from your mouth.

A. Giacalone?

MR. WILSON:

Q. Yes, Giacalone.

A. No, I have not.

Q. For what period of time was he operating the bank and you were getting ten per cent?

A. On and off during that last period of 1957 and maybe part of 1956, I am not quite sure.

Q. Was this ten per cent split between Leo Finnigan and yourself?

A. No, we got ten per cent if there was any money we won, and that was all.

Q. That is the two of you got jointly ten per cent?

A. Twenty per cent.

Q. Twenty per cent?

A. Yes.

THE COMMISSIONER: And Giacalone got the rest?

A. I don't know.

Q. What?

A. I don't know. He might have had a partner. He might have had four partners. In this business there is nobody alone, everybody has partners.

Q. All right, I think he did, and I think you know him, Eddie Guarrella?

A. I have never heard that name in my life.

Q. Was not his name mentioned?

A. I know a man called the Gorilla. If this Eddie Guarrella is called "Brokey" maybe I know him.

Q. Do you know a Guarrella called "Brokey"?

A. No I don't, but I am trying to think who that might be.

Q. Is Brokey the man who was bodyguard for Giacalone when he used to come over to the club?

A. There was a guy called - - that may be the man, but there was no bodyguard connected with it. This Guarrella, if that is the man, he

Q. Having had fallen.

Q. Having you found

A. Yes.

Q. Yes.

Q. I don't know.

Q. Where

A. I don't remember. He might have had a partner. He might have had four partners. In this hand-and there is nobody alive, everybody has partners.

Q. All right, I know he did, and I think you know also, Mr. Sheridan.

A. I have never heard that name in my life.

Q. Do you know Jack Sullivan?

A. I know a man called the Duffin.

Q. Who is Duffin? Duffin is called Jackey? Maybe I have.

Q. Do you know a Guerrilla called Jackey?

A. No I don't, but I am trying to know who that Jackey is.

Q. In having the man who was designed for disclosure when he used to come over to the City?

A. There was a guy called - - was on the run, yet there was an indigent accompanying him. This Jackey-Duffin, if that is the man, in

couldn't guard himself.

Q. Well all right; he was a sort of guardian angel to Giacalone when he came over to your club?

A. He might have been a companion.

MR. WILSON: Q. Did he come every night that Giacalone came?

A. There might have been nights when he didn't show up.

THE COMMISSIONER: The odd night he might not appear?

A. No.

MR. WILSON: And you say on your oath that you did not know how the other 80 per cent of the take was split?

A. Of course not. How would I know what they would do with their own after they put it in their pocket.

Q. Now after Giacalone moved in did he sort of run the whole show?

A. Well, Billy was a bit - a little bombastic, and he played a role. He was a little guy and he played that role to a point, and he threw his weight around and gave everybody the impression that he was quite a guy. If that answers your question, that is my answer.

Q. What was Giacalone's contacts in Toronto?

A. Giacalone's contacts in Toronto?

THE COMMISSIONER: Oh, don't repeat the question. Just answer it.

A. His contacts in Toronto here? Gee, I wouldn't know. He might know a lot of people here.

MR. WILSON: Q. Did McDermott know Giacalone?

A. There is a possibility. I cannot give you an answer.

Q. Well, you say he had a lot of money tied up. Do you mean to say he did not know what was going on?

A. I might have mentioned Giacalone to him, if "Giacalone" is the correct pronunciation. I probably did.

THE COMMISSIONER: Why would you be mentioning Giacalone to McDermott?

A. There would be no reason otherwise than gamblers' talk.

Q. Now now, listen, witness. There was a reason for you mentioning Giacalone to McDermott and I want you to tell me what it was.

A. There was no reason for me to mention Giacalone to McDermott.

Q. Did not you and McDermott together discuss Giacalone?

A. For what reason?

Q. I am asking you. Don't ask me questions.

A. [illegible] [illegible]

[illegible] [illegible]

A. [illegible] [illegible]

[illegible] Morgan's Room. He might know a lot of people here.

Q. [illegible]

A. There is a possibility. I cannot give you an answer.

Q. Well, you [illegible] just a [illegible] money from [illegible]. Do you mean to say he did not know what was going on

A. [illegible] [illegible] [illegible] to him. If "Gamblers" is the correct pronunciation, [illegible]

Q. [illegible] [illegible] [illegible]

A. There would be no reason [illegible] when [illegible] talk.

Q. [illegible] [illegible] [illegible] [illegible] a reason for [illegible] [illegible] [illegible] and I want you to tell me that is [illegible].

A. There was no reason for me to [illegible] Gamblers to [illegible].

Q. [illegible] [illegible] [illegible] [illegible] [illegible]

A. For what reason?

Q. I am asking you. Don't ask me questions.

A. All right. We might have discussed Giacalone. It would be in a vague way and would have no bearing on nothing, other than where was I going to get some money to pay McDermott back the money I owed him. That would be the whole bearing of the subject there, when was I going to pay McDermott.

Q. Here was Giacalone, according to your oath, operating the game at Roseland, and you and Finnigan getting ten per cent, and here was your creditor in Toronto getting nothing?

A. He was going to get something if I ever won any money.

Q. But were you discussing Giacalone?

A. We were not discussing Giacalone outside the point that I might have said I hope I get some money so that I can pay him. I hated the guy. I did not like him. We were at loggerheads all the time.

Q. Who?

A. McDermott. I hated McDermott worse than any man I ever hated in my life.

Q. That is an extraordinary statement.

A. It is not.

Q. There you were getting up to $50,000 from a man you say you hated?

A. Well, a psychologist will tell you that is not rare, that sometimes when you borrow

from a man, you might turn and dislike the man intensely. I did not like his egotistical bombastic ways; I did not like the super line he had. and there was a lot of things I didn't like about him. I didn't like his tactics, I did not like his actions. The only thing I liked about him was his money that I could borrow.

Q. He helped to get you out of jail?

A. And I would have helped him get out of jail.

Q. He helped you to get out of jail?

A. And by the same token I would have helped him if I had had money.

Q. When you were in jail he paid money for you?

A. He lent me money, yes.

Q. This was the man you hated?

A. Yes.

Q. And you expect me to believe that, do you?

A. Well it is true.

Q. I do not believe it.

A. Well, it is the truth.

MR. WILSON: Q. Why would you and Finnigan get twenty per cent of the take and McDermott get nothing?

A. Why would McDermott get nothing? What had McDermott been doing with Giacalone running the game in the Roseland Club?

Q. At that time he had as much money in the Roseland Club set up as you?

A. He did not have any money in the club. He had his money in me.

Q. And you in turn put part of that money into the club?

A. I never put any of it in there. I lost it gambling.

D/3

Q. Now did a Mr. Finnazzo have an interest in the club?

A. No.

Q. You deny that?

A. Yes. That is Finzo?

Q. Finnazzo. How do you spell that?

A. I don't know.

Q. Is it F-i-n-z-z-o?

A. F-i-n-n-a-z-z-o I think is right.

Q. Tell us all about him.

A. There is nothing I can tell you about him.

Q. Well, you know him?

A. I may do, but I don't know anything about him. Here is one thing I know: I know he was a prize fight manager, and that is the sum total of my knowledge of Mr. Finnazzo.

Q. He lived in Detroit?

A. Presumably.

Q. And his son Vincent Finnazzo worked for you?

A. He was around the club.

THE COMMISSIONER: He worked for you, is the question?

A. Yes sir.

MR. WILSON: Q. Who brought him in?

A. Who, Vince Finnazzo?

Q. Yes?

A. I did.

Q. Was that through an arrangement with his father?

A. Yes. I talked to his dad and I said, "I will give the kid a job". I think he had just got married and I thought it would help the American trade; I thought he would bring more American trade into the club.

Q. Now the first time that this club had a Federal Charter was when you got the charter from the Army Navy and Air Force Veterans Unit No. 327, is not that right?

A. I thought it was 22, I don't know.

Q. Well, I am instructed it is 327?

A. Well, it probably is.

Q. That was the first time you had a federal charter there?

A. Yes.

Q. Now whose idea was it to get a federal charter in there?

A. My idea.

Q. Who advised you that it would be a

good thing to get a federal charter?

A. I think I called Mr. Lou Herman about the advisability of getting a federal charter.

Q. And what advice did he give you?

A. Well, he might have said that he would call me back. I think there was several calls. I think once I might have come here.

Q. Why did he suggest that a federal charter would be a good thing for your operation?

A. Well, in that clause - - when we had the Roseland charter, when we got the Roseland charter, if that was the last one, or the new one, or the old Castle charter, you get no strength from the charter like you did from the charters prior to, say, 1925, or 1937. They inserted a clause into the Charter Act which took what little protection you had with the old charters away from you.

THE COMMISSIONER: He is confusing two things is he not.

MR. WILSON: I think so, sir.

Q. What I take it Herman advised you was that if you got a federal charter you got the benefit of the exception in the Criminal Code?

A. No, that was not it at all. We did not think -- we thought that with the Provincial charters any time we had a raid, we would have to open our doors or have the doors open. That

is what I thought.

Q. And with a Federal Charter you did not have to do that?

A. That is what I thought, yes.

Q. Then there was nothing to prevent you, with a Federal Charter, having all the bars and bolts you liked?

A. Well, this was my interpretation.

Q. Yes, that was your interpretation?

A. Yes.

Q. Now after you got the Federal Charter, the Army Navy and Air Force Veterans Association - - that is the Federal Association - - had a meeting in Windsor, did they not?

A. I went to three of their meetings, or four or five. We went to Belleville once, we went to some other town once, sir, and whether they had one in Windsor, I don't know. I know I went to Belleville and I went to some other little town out here in Ontario. Whether they had one in Windsor - - there is a possibility, I am not sure.

Q. Well, you know.

A. I am not denying it.

Q. You know Mr. Jack Lundberg?

A. Yes.

Q. He was the secretary of this association?

A. Jack Lundberg? I believe he was at

this time.

Q. Did you see him around this room in the last few days?

A. I never saw him.

Q. You did not see him?

A. No.

Q. Is it not a fact that the association were considering revoking the charter when they found out some of the facts surrounding the operations that were going on?

A. What was that again?

Q. The association, the parent association considered revoking the charter after they learned of the type of operations that were going on at this club?

A. Yes, I believe that is right.

Q. And they had a hearing of the executive about it, did they not?

A. I believe they did.

THE COMMISSIONER: Now witness.

A. Yes sir.

Q. Why say you believe they did. You know they did.

A. I don't know whether they did or not.

Q. But I thought you were at the meeting?

A. I was at several but I couldn't tell you what happened there or who was there.

MR. WILSON: Maybe this press clipping from the Windsor "Star" might refresh your memory?

A. I don't remember this.

Q. Well it is headed "Admits Club Chart Illegal- Proxy Answers Star Quiz. Roseland Setup Keeps Operating". Then I see in reading this particular article it says:

"This hearing was held on March 11th. The Roseland unit was represented by John F. Gardner. The law firm of Herman and Moses of Hamilton represented both suspended clubs. It was Louis Herman who, instead of an A.N.A.F. executive member, presented the Toronto group with its charter"

Now that meeting I suggest to you was to consider not only the charter issued to you but the charter issudd out here at the Centre Road Club by the Army Navy and Air Force Veterans?

A. Well, if it was, it was the executive without anyknowledge of mine.

Q. But you are named here as being present with Herman at this meeting?

A. Well there is a possibility I was.

THE COMMISSIONER: No, not a possibility. Were you there with Herman?

A. If it says I was there I was there sir.

MR. WILSON: And at this particular date of March the 11th, were the two charters suspended?

A. I cannot give you ----

Q. You cannot recall?

A. No I cannot.

THE COMMISSIONER: What year is that?

MR. WILSON: Well, I believe it is 1956, but I will have to get confirmation of that. Now it talks of "the law firm of Herman and Moses of Hamilton". Now they were not in Hamilton, they were in Toronto, were they not?

A. To the best of my knowledge.

Q. You talked about Adelaide Street earlier, and Adelaide Street is in Toronto?

A. Yes sir.

Q. And any dealings you have had with Lou Herman have been right here in Toronto?

A. Or in Windsor.

Q. Yes, or in Windsor?

A. Yes sir.

MR. WILSON: I would like to file that as an exhibit sir. I have the original, Mr. Commissioner.

THE COMMISSIONER: What are these, excerpts from the Windsor Star?

MR. WILSON: Yes, but we will have to identify the year. They refer to a meeting held on March the 11th.

THE COMMISSIONER: This says 1956 on here.

MR. WILSON: No, the markings on that copy, Mr. Commissioner, are my markings.

A. I guess, sir, you ——

Q. The Jackson family?

A. Yes I think.

The CHAIRMAN: Just wait a minute.

MR. KILGORE: Well, I believe in is 1956, but I will have to get confirmation of that. Do it being of "an illegal or improper use of Coons of Houlton". Now they were not in Houlton, they were in Dexter, and that was

A. To the best of my knowledge.

Q. The letter about Eldridge Brown curtilage, and Adelaide Stewart is in Dexter?

A. Yes sir.

Q. And any dealings you have had with you Honors have been right here in Houlton?

A. Or in Windsor.

Q. Yes, or in Waldoboro?

A. Yes sir.

MR. KILGORE: I would like to file these as an exhibit sir. I have the original, Mr. Chairman.

The CHAIRMAN: Just one minute, Attorney from the Windsor Court.

MR. KILGORE: Yes, but we will have to identify one year. They refer to a meeting held on March the 11th.

The CHAIRMAN: This note logged on here.

MR. KILGORE: Mr. the reporter is that okay.

Q. Commissioner, sir is working.

THE COMMISSIONER: I see.

MR. WILSON: There are no markings on the original.

THE COMMISSIONER: Exhibit 93.

D/4 ---EXHIBIT NO.93: Excerpts from the Windsor "Star".

MR. WILSON: Q. Now at this meeting referred to in the "Star" article, was Hermann representing the Cooksville club as well as your club?

A. It could be, sir; I am not sure. I know he was representing me. The only thing I can do there is speak for myself. I have no knowledge of his work with other clients.

Q. Now did you have a man named William Brown working at your club?

A. William Brown?

Q. Yes?

A. I never heard that name in my life. I knew a Jack Brown.

Q. Well?

A. That might have been it.

Q. Where did Jack Brown come from?

A. Gee, I don't know.

Q. Did Jack Brown work at the Centre Road Club before he came to work for you?

A. I don't know. I don't know if we are even talking about the same guy.

THE CONSERVATION: I see.

Q. (Cont'd) That's not an exception to the

rule.

THE CONSERVATION: Question 23.

Q. Without [illegible] from the [illegible]

[illegible]

A. Vitamin [illegible] was not that because

influenced to do the "Show" activity, was because

[illegible] the Commercial team [illegible] play

[illegible]

A. It could be, sure; I do not know.

I know he was responsible [illegible]. The only thing

I can do there is speak for myself. I have

no knowledge of how many with other clubs.

Q. [illegible] you know a [illegible]

William Brown working at your place

A. William Brown

Q. Yes

A. I never heard [illegible] name in my life.

I know a Jack Brown.

Q. Why?

A. That might have been [illegible].

Q. Where did Jack Brown come from?

A. [illegible], I don't know.

Q. Did Jack Brown work at the Sunset

Road Club before he came to work for you?

A. I don't know. I don't know if he was

even dating when [illegible].

Q. What did Jack Brown do in your operation?

A. He was a dealer.

Q. Was he a Canadian?

A. I don't think we had any --- now sir, I don't know about nationalities here. You are tying me down to a tough question. I don't think we had any Canadian dealers.

THE COMMISSIONER: Well then he would not be a Canadian.

A. Well, I am qualifying that. I don't know his nationality.

MR. WILSON: Q. Well, had Brown worked previously at the Centre Road Veterans Club at Cooksville?

A. Sir, he was a dealer. He might have worked any place. I have no knowledge of him working at the Centre Road Club.

Q. Did you employ him?

A. And did I put him to work? Yes.

Q. And did you ask him about what experience he had?

A. I knew he was a qualified dealer. He had worked in Cleveland, and he had worked at the old clubs around Detroit.

Q. Did McDermott not put a man into your set-up as an employee?

A. No. I think McDermott would have liked to have got somebody in there to see what

Q. Were you ever known as an [illegible] [illegible]

A. He was a dealer.

Q. Was he a Canadian?

A. I don't think we had any --- [illegible]

I don't know where [illegible]. [illegible] [illegible] [illegible] to a tough question. I don't think we had any Canadian dealers.

THE CONNECTIONS: Well then he would not be a [illegible].

A. Well, I am [illegible]. I don't know his nationality.

Q. Either [illegible] 1941, [illegible] [illegible] previously at the Centre Road Veterans Club at [illegible]?

A. Yes, he was a dealer. He might have worked any place. I have no knowledge of him working at the Centre Road Club.

Q. Did you employ him?

A. And did I put him to work? Yes.

Q. And did you ask him about his employments in [illegible]?

A. I knew he was a qualified dealer. He had worked in Cleveland, and he had worked at the old clubs around Detroit.

Q. Did Mr. [illegible] not put a [illegible] [illegible] set-up as an employee?

A. No. I think [illegible] would have liked to have [illegible] in there to see what

was happening to his money.

Q. Are you saying he did not get anybody into your set-up?

A. Not to my knowledge, sir.

Q. Now during the operation of the club did you have a phone call with McDermott when-he told you that arrangements had been made that a member of the Chatham Detachment of the Ontario Provincial Police would let you know when a raid was to take place?

A. McDermott told me that ---- ?

Q. Or you told McDermott, one or the other?

A. Either one of us made that statement that somebody at the Chatham police ---- no.

Q. So that if somebody says they heard a conversation like that you would say they were lying?

A. It is an absolute lie, yes sir.

Q. Now did McDermott on one or more occasions say to you that Sergeant Anderson of the Ontario Provincial Police was the man who was giving tip-offs about raids at the Roseland Club?

A. No, but it was common talk all through the Province that he was - not giving tip-offs, I have got to qualify this: That Sergeant Anderson was the man who was getting the money, and I, in two or three conversations,

told this to Sergeant Anderson, that I thought that if there was any money being given to anybody that John Anderson was getting it. I also at a subsequent date told him, after this affair come out with Wright, I told him, "John, I would like to apologize, you are an honest officer, and if there were any doubts I ever had about you, I want to apologize for the thoughts I had".

Q. Did you not tell Anderson McDermott had on more than one occasion said to youthat Anderson was the man who was providing the tip-off information?

A.Not to my knowledge.

Q. Do you deny telling that to Anderson?

A. I cannot remember, becnuse I had so many silly conversations with John Anderson that I couldn't begin to start to think to remember what I said.

Q. Well, did McDermott ever talk to you about tip-offs from the police in respect to raids on your club?

A. No sir.

Q. Now do you recall a Pinkerton man from Cleveland, who was a Texan, with a Texan hat, trying to gain admission to your club?

A. In a very vague way, sir. It was

[illegible]

[illegible] I thought [illegible] John Anderson was crossing it. I also [illegible] a conversation [illegible] after [illegible] was out with Wright, I told him, "Look, I would like to apologize, you are an honest officer, and if there were any doubts I ever had about you, I want to apologize for [illegible] I [illegible] had."

Q. Did you not tell Anderson [illegible] one or more times one occasion and to [illegible] Anderson was the man who was provoking the [illegible] [illegible]?

[illegible]

Q. Do you [illegible] [illegible]

A. I [illegible], because I [illegible] so many silly conversations with John Anderson that I couldn't begin to start to think to remember that I [illegible].

Q. Well, did [illegible] ever talk [illegible] you about [illegible] from the police in regards to [illegible] on your claim?

A. No sir.

Q. Now do you recall a [illegible] [illegible], you [illegible] [illegible] a [illegible] bat, trying to pick [illegible] to your [illegible]

A. [illegible]

the same sort of a deal as Prpich, and again, if you would like me to qualify this answer ----

Q. You had him taped the moment he got to the door, did not you?

A. Can I qualify my answer?

Q. Tell us how you knew about it?

A. Here was a man who came up to the door - he was a little heavy-set guy, and I cannot remember how he was dressed, but he walked up to the door and by his very actions I knew he was not a Detroiter. Now he tried to gain entrance to the club, and he came out with a whole bunch of identifications, telling me who he was. He had Elks Club, Moose Club, - he had every club in the country - and he also told me he knew gamblers all over the United States, and he started dropping names. Now people do not do that when they are trying to walk into a club, so I told the chap, "We do not have any gambling here". He gave himself away by his approach. If he was a Pinkerton's man, how they ever gained their reputation God only knows, because he was the biggest mark I have ever seen in my life.

Q. Now at the time of the raid on November the 13th, 1958, a number of people were found in and were taken into custody?

A. Do you mean the night that we were arrested?

Q. That is right, the night you were arrested.

A. Yes sir.

Q. Now one of the persons that was found in that night was Vito Giacalone?

A. That is right, sir.

THE COMMISSIONER: What was the date of that? I have it somewhere.

MR. WILSON: The date ~~of~~ is November the 13th, 1958 --- 1957, I am sorry.

Q. Now I see by reference to the police report of that raid that Giacalone had on his person $6,745.45?

A. Well sir, if the police counted it, he must have had it.

THE COMMISSIONER: How much?

MR. WILSON: $6,745.45.

Now I notice one other found-in that had a large amount of money on his person, Eddie Guarrella.

THE COMMISSIONER: That is the man I was thinking of.

MR. WILSON: Eddie Guarrella, 26713 Princeton, St. Clair Shores, Michigan.

A. I would like to address the Commissioner.

Q. Just a moment. He hadon his person $8,560.55.

THE COMMISSIONER: How much?

Q. Take its right, you might you may [illegible]

A. Yes sir.

Q. Now one of the persons that was [illegible] in your place was Clyde Blackmore?

A. That is right, sir.

THE COMMISSIONER: Does that dispose of [illegible]?

MR. I have its accountancy.

MR. MCKAYNE: The date is in November the 17th, 1949 -- 1947, I am sorry.

Q. Now I see by reference to the private records of that kind that Blackmore was a member in 1948.

A. Well sir, if the minutes showing it, he must have been.

THE COMMISSIONER: Mr. Dowdell.

MR. FLEMING: Q.Qu.Ex.

Now I notice you other financiers that had a large amount of money on the premises, Dodds [illegible].

THE COMMISSIONER: That is the one I was [illegible] of.

MR. MCKAYNE: Prime Minister, Mr.Tim [illegible], Mr. Clare [illegible].

A. I would like to mention the [illegible].

Q. Just a moment. Do make his person [illegible].

THE COMMISSIONER: Any [illegible]

MR WILSON: $8,560.55.

THE COMMISSIONER: Excuse me a moment: I want to get a reference. Well, I can get it later.

THE WITNESS: I want to clear up a point here.

MR.WILSON: Yes.

A. Mr. Commissioner, I think the man that you asked me about, Mr. Guarrella - - I think that is the man that we called Brokey. There is a point there that I was vague about.

D/5

Q. B-r-o-k-e-y?

A. Well I would not know how you would spell it, but that would be close enough. I think Brokey was the name, but I did not know him as Guarrella.

Q. Now he was a member of Giacalone's syndicate, was he not?

A. Well he came with Giacalone sir. Whether there was a syndicate there I would not have any knowledge, but he was a friend of Giacalone's.

Q. Now when the raid was made and people were taken into custody --- you are John Gardner, I take it --- you had $180. on your person?

A. That was very apropos of my position.

Q. So you were not banking that night?

MR WILSON: Q.E.D.

MR [illegible]: Except on a Sunday.

I want to put a reference. Well, I can put it later.

THE WITNESS: I want to show up a water [illegible].

MR.WILSON: Yes.

A. Mr. Commissioner, I think the man [illegible] Mr. Kerrville --

I think that in the man that we called Jerome, there is a point where that I was vague about.

Q. [illegible]

A. Well I would not know if he you would spell it, but that would be close enough. I think Jerome was the name, but I did not [illegible] Kerrville.

Q. Now he was a member of Clancione's syndicate, was he not?

A. Well he came with Clancione etc. [illegible] I would not have any knowledge, but he was a friend of Clancione's.

Q. Now when the raid was made and people were taken into custody --- you are [illegible] Member, I take it --- you had gone, on your [illegible]

Q. Not had any [illegible] of [illegible].

A. Do you [illegible] that [illegible]

A. No, I certainly was not.

THE COMMISSIONER: How much did he have?

MR. WILSON: $180., and Leo Finnigan had $1,160.15. Was he banking that night?

A. No.

THE COMMISSIONER: How much did he have?

MR. WILSON: $1,160.15.

Q. Then who was running the bank that night?

A. It must have been Giacalone.

Q. And Guarrella?

A. There is a possibility that he had his money up too.

Q. Now there is one other man in there that night that had a sizeable amount. In fact, one Max Snider 3773 Tuxedo, Detroit: $4,649.77.

A. Just a shooter.

Q. He was just a good shooter?

A. That is right.

THE COMMISSIONER: $4,000 and what?

MR. WILSON: $4,649.77.

THE COMMISSIONER: What do you say about him, that he was just ----

A. He was just a shooter. He was a legitimate man.

Q. What do you mean, a legitimate man?

A. He has a business. He was a legitimate business man that liked to gamble.

MR. WILSON: Q. Now during the period that

A. No, I certainly was not.

THE COMMISSIONER: How much did he have?

MR. WILKINS: $100., and the 2 vouchers and $1,100.15. was he bringing back report

A. Yes.

THE COMMISSIONER: How much did he have?

MR. WILKINS: $1,100.15.

Q. Then who was running the bank that night?

A. It must have been Giacomino.

Q. Not necessarily.

Q. There is a possibility that he had his money on him.

Q. How there is one other man in there that night that had a tremendous amount. In fact, was the person ??? Bonetti, Bernardo? $1,000.??.

A. Just a shooter.

Q. He was just a good customer.

A. That is right.

MR. COMMISSIONER: ??,??? ??? ??? ???

MR. WILKINS: ??-??-??.

MR. COMMISSIONER: Then do you say above ???, that he had ??? ---

A. He was just a shooter. He was a ??? ???

Q. What do you mean, a ??? ???

A. He was a ??? ???. He was a ??? ??? business man that lived to gamble.

MR. WILKINS: Q. Now during the period that

Giacalone was in on this operation, is it not a fact that he had present at the club as one of his representatives Samuel Giordano. Do you know Samuel Giordano?

A. Well, you are not pronouncing it right.

Q. That may be. I am not very good at these Italian names.

A. I am not either, but in the case of this man we have got to know who we are talking about.

Q. G-i-o-r-d-a-n-o. How would you pronounce that?

A. Sam Giordano.

Q. You knew him?

A. I knew him, yes.

Q. And he used to come with Giacalone?

A. No.

Q. Who did he come with?

A. Well, he might have come with anybody. I don't think he was in the club that night. I don't think Sammy had been there for two years previous to that, and I say this with reservations. I am not sure but I think it was probably two years since Sam had been in the club.

Q. Well, he had a criminal record for gaming in the United States?

A. There was a lot of them who had. I was there and I had a criminal record.

Glandstone was in an alias conversation, is it not a fact that he had quarrels at the club on one of his [illegible] [illegible] visitors, do you know Samuel Glandstone?

A. Well, we had [illegible] in years.

Q. That may be. I am not very good at [illegible] [illegible].

A. I am not either, but in the case of this man we have got to know who we are talking about.

Q. O-k-a-y-d-a-n-e. Can we call you [illegible] Sarge?

A. Sam Glandstone.

Q. Sam [illegible].

A. I know him, yes.

Q. And he used to come with Glandstone?

A. [illegible]

Q. Who did he come with?

A. Well, he might have come with anybody. I don't think he was in the club that night. I don't [illegible] [illegible] two years previous to that, and I may think with [illegible]. I am not sure but I think he is [illegible] two years since Sam had been in the club.

Q. Well, he had a criminal record for [illegible] in the United States?

A. There was a lot of men who had. I was there and I had a criminal record.

Q. Now after the raid and the arrests is it not a fact that the books connected with the Roseland Club, which were stored in the home of your son and your daughter-in-law --- that is Frank Gardner --- were burned?

A. The books on the Rosdland Club that were stored in the home of my daughter-in-law? I don't remember ever storing any books there.

Q. What is your son's name, Robert?

A. I have four sons; there is Robert, John, Phillip and Frank.

Q. Just a minute. Well Robert is the one I am directing my question to. Is it not a fact that the books and records of the Roseland Club were at his place and were burned after the raid on November the 13th, 1958?

A. By whom?

THE COMMISSIONER: Well, they were burned, period.

A. I don't know. I have no knowledge of them being burned.

MR WILSON: Q. Now after you and Finnigan were sentenced to twelve months each, you were then ta_ken from Windsor to what jail?

A. First I was a month in Essex County Jail, with two weeks in Grace Hospital.

Q. Yes, and then where were you taken from there?

A. I was taken to Mimico.

Q. Now after the fire and the arrests is it not a fact that the books commenced with the medical diet, which were found in the lamp of your son and your daughter-in-law -- that is Frank Gardner -- were burned?

A. The books on the medical diet that were stored in the home of my daughter-in-law I really remember the evening we came home.

Q. Yes, in your son's home, Frank?

A. I have four sons: there is Robert, Jim, Philip and Frank.

Q. Yes, I understand, well, there is the one I am directing my question to. Is it not a fact that the books you found at his residence also were at his place and were burned after the raid on Jessamine Ave. (Sic)?

A. Is that

MR. CONSTANTINOUS: Well, they were burned.

A. I don't know. I have no knowledge of them being burned.

MR. MATHEWS: Q. Now after you and Tommy were sentenced to twelve months each, you were then released from Kingsbridge on what date?

A. First I was a month in Essex County Jail, with two weeks in Essex Penitent.

Q. Yes, and then where was you taken?

A. I was taken to Atlanta.

Q. What hospital is that, or what jail is that?

A. Well, that is in one of the suburbs of Toronto. I don't even know where it is myself.

Q. Now on your trip from Windsor to Mimico, didyou stop off at Herman's office?

A. Oh no, sir.

Q. Did you see Mr. Herman on your way from one jail to the other?

A. No sir. I was brought at two or three o'clock in the morning, and after we got off the train, we got in a cab and went right out to Mimico, where I was surrendered to the Governor of the premises there.

Q. Well, after you went to jail did you see or talk to Lou Herman?

A. No I didn't. I think though he might have come in to see me one time.

Q. Where, in Mimico?

A. But I am not sure.

Q. Now did you contact your friend Joseph McDermott after you went to jail?

A. Did I contact Joe?

THE COMMISSIONER: Oh, don't repeat the question.

A. Yes. I believe that I contacted Joe. I think I went to - - I got - - Yes, I believe I did.

Q. What happened in Ohio, do you know, Jail in Ohio?

A. Well, that is one of the subjects of interest. I don't know just where it is exactly.

Q. Had on your trip from Canton to Mansfield, didn't stop off at Warden's office?

A. Oh no, sir.

Q. Did you see Mr. Harmon on your way from one jail to the other?

A. No sir. I was brought as far as three o'clock in the morning, and after we got off the train, we got in a cab and went right out to Mansfield. There I was processed in the Sheriff's office.

Q. Well, after you went to jail did you see or talk to Joe Harmon?

A. No I didn't. I think though he might have come in to see me one time.

Q. Sheriff in Mansfield?

A. But I do not know.

Q. Did you not contact your friend Harmon in Mansfield after you went to jail?

A. Did I contact Joe?

Q. Yes.

A. No. I believe that I mentioned that, I think I have in -- I got -- Joe, I believe I did.

Q. What were you going to say? You stopped. What were you about to say?

A. I believe I was going to see Joe. I wanted to see him.

Q. Well, did you go to see him?

A. I could not go to see him. I was in jail.

MR. WILSON: Or did he come to see you?

A. He might have.

THE COMMISSIONER: Well, did he?

A. I was sick at that time. I was terribly ill mentally; I had a heart condition; I was lying on my back; I was lying in the hospital and I was half-crazy and I don't know what I was doing.

Q. Did not you ask him to use his political influence to get you out of there?

A. Whose political influence?

Q. Joseph McDermott?

A. What political influence did he have?

Q. Answer the question.

A. No, I did not.

Q. What did you ask him to do?

A. To get me out of the bucket if he could -- to get a doctor, so that I could get a statement on account of my physical condition. That is what I asked him.

Q. What arrangements did you make with him to pay your family and Finnigan's family during

Q. What were you trying to want You stopped. What were you about to say?

A. I believe I was trying to see Joe. I wanted to see him.

Q. Well, did you go to see him?

A. I could not go to see him. I was in jail.

MR. WILSON: Or did he come to see you?

A. He visited them.

THE COMMISSIONER: Well, did he?

A. I was sick at that time. I was nervous (?) mentally. I was a bomb ready I was lying on my bunk; I was lying in the hospital and I was half-crazy and I don't know what I was doing.

Q. Did not you ask him to use his political influence to get you out of slavery?

A. Have political influence?

Q. Have influence.

A. What's political influence did he have?

Q. Answer the question.

A. No, I did not.

Q. What did you ask him to do

A. To get me out of the bunkers if he could -- to get a doctor, so that I could get a statement on account of my physical condition. That is what I asked him.

Q. What arrangements did you make with him to pay your family and Plaintiff's family during

the period you were in jail?

A. I never made any arrangements. I said, "Joe, I need your help. Don't let them throw my old lady out". I said it like any other gambler would say, in jail, and did not expect to get it, because I was fighting and feuding with him.

Q. But you did get it?

A.I did not get anything.

Q. Your family did?

A. They got some kind of money, I don't know what it was.

Q. What were the arrangements made to get your sentence remitted? Who worked on that?

A. Father John Moyer of the Catholic Society on one of these streets down there. He is head of some Catholic organization. - and the Bishop in charge of the diocese.

MR. WILSON: I think it is one o'clock, Mr. Commissioner, and I am going to be a little longer.

THE COMMISSIONER: All right, we will resume at 2:15.

---Whereupon the hearing adjourned at 1:00 p.m. to resume at 2:15 p.m.

(Page 1840 follows)

Mr. Barnard [illegible] Mr. Bell?

A. I never knew his acquaintance.

I said, "Now, I need your help. Let's let them throw my old lady out". I could it like my [illegible] [illegible] [illegible] expect to get it, because I was flirting and fooling with him.

Q. Did you did get it?

All [illegible] [illegible] [illegible].

Q. Your family [illegible]?

A. They got some kind of money. I don't know what it was.

Q. That were the arrangements made to get your [illegible] [illegible]? Who worked on him?

A. Mother John Moyer of the Catholic Society on one of these [illegible] [illegible]. He is head of some Catholic organizations. [illegible] taking in charge of the [illegible].

Mr. WIMSEY: I think it is [illegible] o'clock.

Mr. Commissioner, and I am going to be a little longer.

Mr. COMMISSIONER: All right, we will resume at [illegible].

[illegible] the inquiry adjourned at [illegible] p.m. to resume at [illegible] p.m.

(Page 1280 follows)

---- On resuming at 2.15 p.m.

---- Witness returned to the witness-box.

THE COMMISSIONER: Yes, Mr. Wilson.

MR. WILSON: What was your average monthly operating expense at the club, in 1956 and 1957?

A. Again I'd like to ask for the protection of the Canada Evidence Act.

Q. Yes, it still runs.

THE COMMISSIONER: You have that all the time you are in the box.

A. Yes. What was the average expense?

MR. WILSON: Yes.

A. I don't think I can really say. It fluctuated.

Q. Fluctuated in what range, by month?

A. By the month?

Q. Or would you rather do it by the year?

A. By the day, I would say $100 and some odd dollars a day, maybe.

THE COMMISSIONER: What would that cover?

A. Any night that we were open.

Q. You would have your lookouts?

A. Yes.

Q. And what else?

A. Well, the lookouts, they would have to be paid, and then the dealer would get paid if the house won any money, but there would be no yardstick for it.

Q. No, of course not, but the fixed expenses, then, would be your lookout man and who else?

A. That would be about it.

Q. And how much?

A. Say a rough figure of $150 a day.

MR. WILSON: That would be without taking into ——

THE COMMISSIONER: Excuse me a moment.

MR. WILSON: I am sorry.

THE COMMISSIONER: You paid that yourself?

A. No, sir, we paid that out of the money that we would make in the club. I couldn't pay it ——

Q. Did you and Finnegan pay that out of the twenty per cent?

A. Yes.

Q. You and Finnegan paid that out of your twenty per cent?

A. Yes, sir.

Q. One moment. Then the dealers and so forth, all of whom were Americans, they would be paid - I think Giacalone was one.

A. Whoever was there in charge

of the game that night would pay the dealers.

Q. That was what I was saying.

A. If there was somebody else that was banking it, why they would pay it, but the dealers would be paid from the ——

Q. The man who was operating it that night?

A. Yes.

MR. WILSON: How many different people banked the game in 1956 and 1957 at the club?

A. Well, anybody that we could promote with a bank roll. If Leo and I would win some money outside, we would try and do something with it. Billy would come over.

Q. Now, apart from the two who have been mentioned, one of whom was Giacalone, were there any others?

A. In the early days there were other people that had their nose in there that I cannot recall offhand. Back in 1953 and 1954 and 1955 there were different participants.

Q. In 1953, 1954 and 1955?

A. Yes.

THE COMMISSIONER: From Detroit?

A. Yes, sir.

MR. WILSON: How about Howard Kerr?

A. Howard never had anything to do with the operation, with the exception that he would come over there and try to get a day's pay. He was in bad shape at that time.

THE COMMISSIONER: Who were these other people in 1953, 1954 and 1955?

A. Well, there was Mr. Sherman.

Q. What is his first name?

A. I think his name was Jimmy Sherman.

Q. Yes. Who else?

A. And there was a Mike Fola. I think so.

Q. What is his last name?

A. It is an Italian name, sir. I could not give you the right spelling.

Q. Fola, is that it?

A. Or something, yes.

Q. An Italian, was he?

A. Yes - to the best of my knowledge.

Q. Who else?

A. That would be about it.

Q. You mentioned a third one there and I stopped you.

A. Well, if I did ----

Q. Sherman and Fola and who else?

A. And Billy.

Q. Billy?

A. And I think that would be about all - and Leo and I.

Q. Almost. How much a month did your family get from McDermott during the period you were in jail?

A. Sir, you asked me that question

before. I am not sure. It could have been $50 a week.

Q. Or it could have been more?

A. No, that was about it.

THE COMMISSIONER: And that was paid by McDermott, was it?

A. No, I don't know who sent it in, but I would ask Joe to give Bertha some money.

Q. Bertha is your wife?

A. Yes.

Q. I suppose he paid it if you asked him?

A. Well, I was in jail.

Q. You didn't ask anybody else?

A. Yes, I asked other people to help me out, to see that my wife was taken care of while I was in jail.

Q. Who were the other people?

A. Well, gamblers, sir. I would just ask anybody I had borrowed money from previously to lend me money.

Q. I thought you told us this morning that McDermott paid off the mortgage?

A. I did, sir. I said he paid off the mortgage.

Q. How much was the mortgage?

A. Gee, I don't know.

Q. You have some idea?

A. I don't know whether it was six or seven thousand, or what it was.

Q. Who held the mortgage?

A. Well, I ---

Q. It is a mortgage on your house, isn't it?

A. I think McDermott got it at that time.

Q. You say that he held the mortgage? In the first place?

A. I believe that is right, sir.

Q. What was the number of your house?

A. 380 Bridge Avenue.

Q. And when you were in jail, did he give you a discharge of the mortgage?

A. No, I think that was afterwards, sir. I think that was afterwards. I believe I could say that it was after.

Q. After what?

A. After I was in jail. That was the question.

Q. It was while you were in jail?

A. The discharge you asked me about.

Q. Yes.

A. I think the discharge was given to me after I was released from jail.

Q. I see. Was the house in your name?

A. I don't know whether it was in mine or Bertha's at that time. I could have been jointly. It could have been in hers, sir. Possibly

it was jointly.

Q. Possibly?

A. Yes.

THE COMMISSIONER: Yes, Mr. Wilson.

MR. WILSON: Your sentence was remitted around November 23rd, 1958?

A. That could be true, sir.

Q. And the grounds for that remission were that you were suffering at that time from a diabetic cardiac involvement?

A. And nerves.

Q. And nerves?

A. Yes.

Q. And after - the day you got out of jail, you spent the night where?

A. I don't know whether I went home. I think I went right home. I am not sure.

Q. Well, I suggest to you that you spent the night at Mr. Feeley's place?

A. At Mr. Feeley's place?

Q. Yes.

A. You might be true, sir. I can't remember.

Q. And that would be Mr. Vincent Feeley, I take it?

A. Yes, sir, that would be Vince Feeley.

Q. That would be Joseph McDermott's partner?

A. Yes.

Q. Now, prior to that time and during the operation of your club, had you borrowed any money or had any dealings with Vincent Feeley as well as McDermott?

A. No, I couldn't borrow any money from Pete - I use the word 'Pete' because that's the way I know him, if that is all right with you.

Q. Certainly.

A. I never call him Vincent Feeley; I have always called him 'Pete'. Pete was a guy who was very hard to get money from, and I made several attempts to get money from him.

Q. In view of the fact that you knew him as 'Pete', I repeat a question that I put to you earlier in regard to McDermott; that is, did you ever have a telephone conversation with Pete Feeley, as you call him, in regard to tip-offs in respect to possible raids ---

A. I don't think - to give you a ~~xxxx~~ vague answer, I don't think I ever talked to Pete on the phone, that I can remember.

Q. Well, I don't want a vague answer.

A. I would say that - well, with certain reservations, I would say, because I can't remember, that I don't think I ever talked to Pete on the phone.

Q. Now, the fall of 1959. Do you recall telephoning Provincial Constable J.W. Moore?

A. Moore?

Q. Yes.

A. I never talked to Moore in my life.

Q. You did not?

A. Not that I can recall. I can recall calling John Anderson.

Q. Well, I suggest to you ----

A. I wouldn't ----

Q. Let me finish. I suggest to you that you called Provincial Constable Moore?

A. Well, I wouldn't have any knowledge of that.

Q. And Anderson was away.

A. No.

Q. You do recall a call to Anderson, of course?

A. Yes.

Q. And would that be in the fall of 1959?

A. Sir, during six years I can't give you dates, I can't give you times, because I don't remember. I was mentally upset. I don't know, but I know that I called John Anderson.

Q. And as a result of that call, did you meet with Sgt. Anderson in Toronto?

A. I did, sir.

Q. And what conversation took place between you at that time? First of all, can I fix the place? Were you at the King Edward on that trip?

A. Yes, I was.

Q. And then you didn't have the conversation there, but you proceeded to Queen's Quay, did you not?

A. Well, I went some place, but I couldn't go back there, and I wouldn't know where it is, but that is probably the place.

Q. In other words, you went somewhere down near the waterfront?

A. Yes.

Q. - to have this talk with Anderson?

A. Yes.

Q. Is that correct?

A. Yes.

THE COMMISSIONER: A sort of park?

A. Some place down there.

Q. A sort of park?

A. Yes.

Q. How did you get there?

A. I think I drove.

Q. Well, you must have known how to get there?

A. Yes, I drove.

Q. In your own car?

A. Yes.

Q. Just a moment.

MR. WILSON: Now, did you tell Anderson at that time that you wanted to see the Commissioner of the Ontario Provincial Police?

A. No, sir. Sgt. Anderson suggested

to me that I see the Commissioner of the Provincial Police.

Q. And did you agree?

A. No, I said I wouldn't talk to the Commissioner.

Q. And did you tell Anderson on that occasion that McDermott was - had turned your wife and family against you while you were in jail? Did you say that?

A. Yes.

Q. Was that a fact?

A. Well, he had caused a disturbance between my sons and I. I don't think my wife was ever against me, but since the day that I got out of jail, whatever the day was in 1958 - I have four sons - not one of them has spoken to me since. I have never uttered a word, except to the young son when he got in trouble. I have never talked to my three older boys, not even by gesture.

Q. Now, what did McDermott do to bring that about?

A. Well, it was all - it all revolves about the money I owed him, how he had got me out of trouble with the mortgage of the house, and I had returned to Windsor, like I said, sick and half nuts, and I wanted to go back into that crazy gambling world that I had been flying around in for years, so lasked my wife to get the mortgage from McDermott. Can I continue?

Q. Yes.

A. I asked my wife to get the mortgage. I wanted to re-mortgage the house. Now, I don't know whether she had the papers, but I wanted to re-mortgage the house to get money to further my gambling desires, and she called Joe McDermott and told him that I wanted to mortgage the house, and there was a big hassel about it, and Joe McDermott got on the phone and told my wife not to give me any money. I wonder if I could have some water, sir?

Q. Yes.

A. Thank you.

Q. Were you a little mentally disturbed while you were in jail?

A. I think I was. Well, I don't think I was a little mentally disturbed; I think I was like I said before, non compos mentis.

Q. And when you got out, was there any discussion with McDermott about starting up in business again?

A. There was no way for me to start up in business with Joe, because he wouldn't touch me with a 16ft pole in any operation, but I wanted to borrow money so that maybe I could do a little booking around. I wanted to do a little booking around on the track or do something and have money in my pocket, but the method behind all my conversation was my desire to gamble. I wasn't really interested in going back into the gambling business; I was more interested in

getting out and taking a gamble.

Q. Is it not a fact that after you told Anderson that McDermott had turned your wife and family against you, you told him that you wanted to see the Commissioner and tell the Commissioner about McDermott's operations?

A. No, sir, it was John Anderson. When I talked to John Anderson, he suggested, "Frank, the best thing for you to do is I would like to take you to the Commissioner." Now, I never in my wildest dreams would ever want to put myself in the hands of the Commissioner of the Provincial Police, because I knew that I would be on unstable gound and unsafe ground, and I actually didn't have too much to tell the Commissioner outside - well, on anybody - outside of this terrific grudge I had against McDermott, which was part of this mental turmoil that I was going through. I don't feel too much animosity towards Joe now.

Q. Did you not tell Anderson on that occasion ----

THE COMMISSIONER: Just a minute.

Q. You don't have too much animosity against him now?

A. During those crazy years ----

Q. No, no.

A. No, because I have mellowed with the years - I am a much older man - I am not in the gambling business now, and I have reached the stage of life where the hates I used to have I don't

carry them with me any more. I don't want to have that on my conscience.

Q. Did you not tell us this morning that you hated McDermott?

A. Yes, I had hated McDermott.

Q. You had hated McDermott?

A. Yes, I hated McDermott during that period we were discussing.

Q. What period?

A. Well, whatever time it was.

Q. I am asking you.

A. When I was borrowing all the money from him.

Q. When did you stop hating him?

A. If I had a chance to do business - well, if I could qualify this. If I had a chance to do business with McDermott, I wouldn't do it. If he would say to me, "Frank, I'm going to lend you some money. You can buy a race horse," I wouldn't accept any money. If he would say, "Here's $10,000, go to Las Vegas and gamble," I wouldn't do it. I don't want to see McDermott, I don't want to socialize with him, and I don't want any part of him.

Q. Why?

A. Because I just don't want to.

Q. Why do you say that?

A. Because I never did like the man.

Q. Never?

A. Never did like the man in my life.

Q. Why would you want to see Anderson?

A. Well, it's a round about figure - it's a round about story, rather. I thought that maybe through some channel or some form or some way, if anybody heard that I had been to see Anderson - I mean, I left a wide open trail that I had been to see Anderson - I thought it would scare people off.

Q. If your friends found out that you were associating with Anderson?

A. With any police officer.

Q. With any police officer, your gambling friends would sort of ostracise you?

A. Yes. I knew I was doing a vicious thing, and what little conscience I had left I had lost it. What little bit of decency I had left I had lost in my desire to gamble and to gain money or borrow money. Any kind of decency that I had, or had once had, I had lost.

Q. Why did you want to see Anderson, that was my question.

A. That was the reason - I wanted to see Anderson because I wanted to concoct some cock and bull story.

Q. About what?

A. About anything. I was in a state of mental turmoil that I would have done anything. If I had had a pistol at that time I hated Joe McDermott so much, I would have taken the pistol

to him and shot him.

Q. Why did you want to see Anderson? Answer that question.

A. I wanted to tell - when I went to see John Anderson, I didn't know what I wanted.

Q. Please!

A. I hadn't the vaguest idea what I was going to do.

Q. How did you make the contact?

A. I called - now, I have to be vague, sir, because I don't know. I might have called to his home. I might have called the Provincial Police barracks. I am not sure.

Q. And said you would like to talk to Anderson?

A. Yes.

Q. Now, what I want to find out is why you would want to see him?

A. I don't know, myself.

Q. You have no idea?

A. I haven't the vaguest idea, and when Sgt. Anderson is called to the stand, he will tell you. I had nothing to tell him. I didn't have anything to tell him.

Q. You had nothing to tell him when you met him, but you had something to tell him when you called him?

A. No, I didn't. I wanted to stir up turmoil. I wanted to cause trouble. I wanted to foment trouble with anybody I could. I wanted

to have people at each other's throats. I am telling you from my heart here the thoughts that were going through my head. I had lost all kind of decency, all sort of sense. I wanted to get at this fellow on any tack during those days.

Q. I am suggesting to you that when you telephoned him you had some particular thing in mind.

A. No.

Q. And then you learned about the tape recorder that was on his leg.

A. Could I answer that question now, sir?

Q. Yes.

A. I didn't know Anderson had the tape recorder on his leg.

Q. Until ——

A. Until he came to talk to me. I am sitting on the park bench with him on the quay, or wherever it was. I was sitting on the bench, and I said to myself - I got a sudden flash - I said, "What am I doing, talking to a policeman here. The best I am going to do is to get myself into trouble," and I said, "He might have a recording device," because the County Police of Windsor just prior to this, with the co-operation of the Detroit or the Internal Revenue over there, had just grabbed somebody on the main street of Windsor and had sat alongside a bar with him and had recorded his conversation, which opened up into a narcotics case of quite a

large size. I might have had that on my mind, and I said, "Here I am talking to a policeman. Supposing that he had something on me." Now, I didn't say "tape recorder," because I didn't know about tape recorders. I knew there was a device, and the words I said to John Anderson - and I believe this is correct - I think I said to him, "John, do you have the machine on you?"

Q. When did you say that?

A. About halfway through the conversation, I think. I am not sure, sir. I can't remember the spacing of the conversation.

Q. It was while you were still seated on the bench in the park?

A. To the best of my knowledge, sir, yes.

Q. What had you said in the first half of the conversation?

A. Generalities. Nothing too much that I can recall. I woke up with a start, and I said to myself, "Now, they might have a tail on me," and I took a devious route to shake them off in those wild imaginations I had - shake off anyone that might be following me. It was just a matter of suspicion.

Q. Mr. Wilson will come to that in due course, but I still have you in the park. Don't leave the park on me. Stay there.

A. Yes.

Q. You had some definite purpose in

mind when you called Anderson. What was it?

A. To foment trouble.

Q. To foment trouble between whom?

A. Between anybody. If I could have fomented trouble between Anderson and his superior officers at that time I would probably have done it. I was looking for somebody or something, and I didn't know what I was doing, broke, desparate and crazy.

Q. Then you got a flash of sanity, you say?

A. I don't know whether it was a flash of sanity - I don't think I was sane at any time during that period - but I got a flash of a little clear reasoning, and I said to myself - and I am reiterating - I said, "what am I sitting here for, talking to this man?" I respected John Anderson and liked him ---

Q. You thought when you got this flash of sanity that he might have the machine on him?

A. I said to myself, "I wonder if he's got the machine on him," and I said,"John, do you have a machine on you?", and I remember the conversation was very short. He wasn't - I didn't spend ten minutes with him.

Q. Now, having got the flash of sanity, what did you do then?

A. Well, we left.

Q. Who?

A. I - we - John got in his car - I mean Staff Sergeant Anderson got in his car, and I swung around behind him, I think, to see which way he was going, or to see whether there was anybody on me, and I took off and I drove up towards the King Edward Hotel, and I think I went down an alley close to the King Edward where they have parking, and I put my car in a covered garage. Now, I think that is correct, but I don't know.

Q. Well, you will probably be told something about it later today. All right, Mr. Wilson.

MR. WILSON: What were you going to talk about with Sgt. Anderson at that meeting that would in any way make you frightened of a tape recording of the conversation?

A. Well, just like I said, the idea came to me. I said to myself, "Supposing I say the wrong thing and this man has a recording machine on him, or a recording device. I might say something to incriminate myself." I wasn't leading the life of a gilded lily at that time.

Q. I want you to consider this question carefully.

A. Yes.

Q. I suggest to you that before you left Anderson thatday you had discussed with him a meeting with the Commissioner but that you said you wanted to talk to another man before that meeting took place?

A. Was this during my conversation on the bench?

Q. That is right.

A. This could possibly have been. I was using evasive action once Anderson mentioned the Commissioner, because I knew I had no information that could help him, and I thought I might be charged with public mischief or tampering with the course of justice, or something, so I used evasive tactics there to get away from him. But my recollection, whether it is right or not or whether I am wrong, is that Anderson was the man who brought up the name of the Commissioner and would I like to have a chat with him. It was Staff Sergeant Anderson; it wasn't me. It wasn't my suggestion.

Q. But you had phoned from Windsor to set up this meeting with Anderson?

A. Yes.

Q. And when you got there you say you talked about generalities?

A. I know that John Anderson must have made notes there. He must have made notes. I have nomotes, of course, but to the best of my knowledge it was generalities that we discussed.

Q. Why would you come all the way from Windsor to Toronto for a meeting?

A. Well, it ——

Q. Why would you come all that way to talk generalities?

A. Sir, why does a crazy man ——

THE COMMISSIONER: No, no, no. You answer the question.

THE WITNESS: I don't know.

MR. WILSON: No.

A. I don't know.

Q. And when you left Anderson that day, do you think your evasive action in the driving of your car from the waterfront to the King Edward would have shaken off any competent officer?

A. No, sir. Now, with sensible reasoning, I don't think that I had a chance in the world to shake an incompetent officer - I couldn't have shaken anybody - but in the state of mind I was in at that time, I thought I could.

Q. And when you got back to the King Edward, did you get a call from Joseph McDermott?

A. No, I don't think I did.

THE COMMISSIONER: What?

A. I don't think I did, sir. I can't remember.

Q. Mr. Gardner, would you try to keep your hand down from your mouth?

A. It's a habit of mine. It's a habit I have.

Q. Well, break the habit while you are here.

A. I don't think I did.

Q. You swear that you did not?

Q. Why, why does a cancer [illegible]

[illegible] Dr. Ely, Dr. Lee

answer the question.

[illegible] I don't remember.

[illegible]

A. I don't remember.

Q. [illegible] I don't remember.

Dual Dr. Ely, do you think [illegible] working in the

service of [illegible] [illegible] Dr. Ely

[illegible] [illegible]

A. No, sir. Does what do consider

communist, I don't think when I had a course in

the world to [illegible] [illegible] [illegible] - I [illegible]

[illegible] - but in the [illegible] of what I

was in my [illegible], I thought I could.

Q. And when you got back to the

[illegible], did you get a call from [illegible]

[illegible]?

A. No, I don't think I did.

[illegible]

Q. I don't think I did, sir. I don't

[illegible].

Q. Dr. Lindsay, could you tell us

[illegible]

A. [illegible] a [illegible] of [illegible]. [illegible] a

[illegible] I [illegible].

Q. Well, [illegible] the [illegible] while you

[illegible].

Q. I [illegible] [illegible]

Q. [illegible] [illegible] [illegible]

A. I couldn't swear, sir.

MR. WILSON: Were you afraid of McDermott at that time?

A. Was I afraid of him?

Q. Yes.

A. In what way?

Q. For any reprisals he might make against you?

A. I was afraid that if he had got wind by any shape or form that I was going to a police officer or talking to a police officer, not knowing the workings of his mind, I thought he would be angry, yes, sir.

Q. What do you think he would do?

A. Probably he might ask me for the money I owed him.

THE COMMISSIONER: What?

A. He would probably have asked me to pay the money I owed him.

Q. That would not be a reprisal.

A. In my circumstances, it would be, at that time.

Q. Oh, Gardner, you were accustomed to it, you have told us.

A. I was accustomed to it - up to a point.

MR. WILSON: Are you afraid of McDermott today on the basis of the evidence you are giving?

A. I would like to qualify this answer. As I stand here, today, at my age, the only

person that I am afraid of is God. I am not afraid of anybody in the world today. Does that answer that?

Q. If that is so, tell us about who contacted you after your meeting with Anderson?

A. I don't think - and I say this - I have got to qualify this - I don't remember meeting anybody.

Q. Now, a few days later you telephoned Anderson again, didn't you?

THE COMMISSIONER: Wait a minute, Mr. Wilson. You went back to the King Edward Hotel?

A. Yes.

Q. You didn't go down to the railroad station?

A. To the railroad station?

Q. Yes.

A. There would be no point in my going to the railroad station.

Q. I say, you didn't go down near the railroad station?

A. Nowhere near.

Q. You went right back to the King Edward?

A. Yes, sir, I did. I was staying there.

Q. Quite so, and didn't you change your room a couple of times at the King Edward?

A. No, that was another occasion.

Q. That was another occasion?

A. That was another occasion, and I believe that was two years later. That was at least two years later, or a year and a half later.

Q. You are not mixed up?

A. I could be, but I don't think I am, sir.

Q. Now, let's explore it a bit.

A. Yes.

Q. If it is said that when you got back to the King Edward Hotel you were trying to "duck" McDermott but McDermott caught up with you and you kept moving your room to evade him, would that be true?

A. That is not true.

Q. That is not true?

A. No, sir, not to the best of my knowledge. The only time I used evasive action in the hotel was approximately a year and a half or maybe two years later. Now, it's 1962 now; it could have been in 1960, but it wasn't the year I contacted John Andrson, to the best of my knowledge.

Q. You did later?

A. I did, yes. It is one ——

Q. To get away from whom?

A. From somebody I owed money to.

Q. Who was it?

A. Some gambler around town.

Q. Well, who was it?

A. I - I think Johnny Papalia gave me a call. I think that's who it was.

Q. What year was that?

A. I say it could be 1960.

Q. And was he trying to get in touch with you at the King Edward?

A. Yes, sir.

Q. Did he succeed?

A. No, sir.

Q. You are sure of that?

A. I am absolutely sure.

Q. Were you afraid of Papalia?

A. I wasn't afraid of Papalia; I was afraid of the spot that I had got myself into by talking to different people and acting like a jackass, and this has nothing to do with Papalia, because he would have no knowledge of my call to John Anderson. But all these thoughts were floating through my head, that I was doing wrong things for a man in the line of business I was in, and I was subject to anything.

Q. Now I don't know what time you are talking about. Are youtalking about the time you were running away from Papalia?

A. That is the only time I remember ever changing rooms at the King Edward.

Q. I askdyou, were you running away from Papalia because you were afraid of him. Now, be frank about it.

A. I was afraid of circumstances connected with Papalia.

Q. No, never mind circumstances - were you running away from him because you were thoroughly frightened? And I want you to be frank.

A. Well, I would imagine that I had trepidations that I was scared.

Q. Well, I would have thought so, too.

A. Yes.

Q. Now, why were you frightened?

A. Because I owed Johnny Papalia money. I had borrowed money from him.

Q. You had borrowed money from him?

A. Yes.

THE COMMISSIONER: Mr. Wilson, I am usurping your function, I am sorry.

MR. WILSON: No, it is quite all right.

Q. Now, a few days after this meeting down at the harbour front with Anderson, you called him again, didn't you, on the telephone?

A. If I did, sir - there is a good possibility that I did, I mean. I don't deny this, but I don't remember.

Q. How long did you stay in Toronto after that meeting with Anderson?

A. I got right out of Toronto. I think the records will show that I left right quick after that.

Q. So if that first meeting was on September 9th, 1959, and if you called him on Friday, September 11th, at 7 p.m., where would you be?

A. I could have been home.

Q. In Windsor?

A. Yes.

Q. On that occasion, I suggest to you, you told him that you had a reaction from the meeting you had had with Anderson two days previous?

A. Yes, I did say that, sir.

Q. What was the reaction?

A. No reaction whatsoever.

Q. You did say that?

A. I did say that. I absolutely said it, and I remember it very clearly.

Q. Why did you say it if there wasn't a reaction?

A. Why?

Q. Yes.

A. God only knows why I said it. I don't even know why I went to see John Anderson in the first place.

Q. Were you still mentally disturbed - is that what you are suggesting? - in September, 1959?

A. Sir, I might be mentally disturbed now. I don't think so. I don't think I am, because my outlook on life is much better and my health is

better, but I - during those years up to 1961, I was in pretty bad shape.

Q. Now, on this call on what I say is September 11th, did you tell Anderson that a Member of Parliament was now interested and he would contact Anderson?

A. Gee ——

Q. - that you would contact Anderson through the Member?

A. Now, I have told you honestly that I remember calling Anderson ——

THE COMMISSIONER: Please.

THE WITNESS: I have to qualify this because I want to explain this. I want to answer the question as honestly as I can.

THE COMMISSIONER: Now, listen to me for a moment.

A. Yes.

Q. From time to time, almost continuously, you keep saying, "I want to qualify. I want to qualify."

A. Yes.

Q. If, later, you should be charged with perjury, qualifying isn't going to help you.

A. I am not using that for that reason; I am using it to give - the gentleman is questioning me, and I want to answer to the best of my ability.

Q. Put the question to him again, will you.

MR. WILSON: Yes.

Q. I suggest to you that, having called Anderson on Friday, September 11th, 1959, when you called him at 7 p.m. that day, you said there had been a reaction from the meeting of a couple of days before. Now, you say you did make that statement?

A. I did make that statement. I remember it.

Q. And I have said already that during that telephone conversation you told Anderson that you would be contacting him through a Member of Parliament?

A. No, I don't believe I did, sir.

Q. Did you or did you not?

A. No, sir, I didn't.

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D THE COMMISSIONER: Q. You deny that?

A. Yes, sir.

Q. Under oath?

A. Of course. I don't remember. I deny it.

MR. WILSON: Q. Then shortly after that time on December 15, 1959, did you have a meeting with Anderson in Windsor at 380 Bridge Street?

A. I know John Anderson came to my home during one of this -- During one of those periods, sir, but I don't know the date, the month, and I can't tell you; but I know that John Anderson did come to my home subsequently to my meeting with him here.

Q. And on that occasion did you ask him whether he had a machine on him?

A. I asked? I went into the same routine again. He took his coat off and said "Frank, I haven't got a machine and you can search me." Yes, I did.

Q. What did he say to that?

A. He -- He said "I haven't, Frank, and you can search me.

Q. Now, at that ameeting did Anderson say that he had been instructed by the commissioner to drive you back to Toronto so you could have an interview with the commissioner?

A. There's a possibility he ;said that, sir. I can't remember that statement but I would say that he might have said it.

THE COMMISSIONER: Q. You deny that?

A. Yes, sir.

Q. [illegible]

A. Of course, I don't remember. I deny it.

[illegible] Q. Then precisely at the same time on December 15, 1959, did you have a meeting with Anderson in Gardiner at 201 Bridge Street?

A. I know John Anderson came to my home during one of this -- during one of those periods, sir, but I don't know the date, the month, and I can't tell you; but I know that John Anderson did come to my home subsequently to my meeting with him here.

Q. And on that occasion did you ask him whether he had a machine on him?

A. I asked? I went into the same routine again. He took his coat off and said "Frank, I haven't got a machine and you can search me." Yes, I did.

Q. What did he say to that?

A. He -- He said "I haven't, Frank, and you can search me.

Q. Now, at that meeting did Anderson say that he had been instructed by the commissioner to drive you back to Toronto so you could have an interview with the commissioner?

A. There's a possibility he ;said that, sir. I can't remember that statement but I would say that he might have said it.

Q. Well, did you reply to him that you didn't see what good this would be as it seemed everything had a way of getting out?

A. With the first question he had asked me I might have answered that -- With that sort of conversation, yes sir.

Q. Did you further tell him on that occasion that as far as you could see anything you might say could only hurt yourself and your family and that you had caused them enough grief already?

A. That's right, sir; and that still holds true.

Q. So in effect you are telling him you didn't want to come forth with any --

A. I didn't have nothing to tell him. The only thing I could do by having police officers coming to my house or associating with police officers was to hurt myself and my family.

Q. Now, going back to the conversation you had with him on September 11th, and I think I mis-dated that - I just want to put it again. I suggest to you that on that conversation you stated a member of parliament was now interested and that member of parliament would contact the commissioner?

A. I couldn't say no honestly whether I said it or not.

THE COMMISSIONER: Q. You deny saying it?

Q. Well, did you really be the kind you didn't see what good this would be as it seemed everything had a way of getting out.

A. With the first question he had asked me I might have answered that -- with that sort of conversation, yes sir.

Q. Did you further tell him on that occasion that as far as you could see anything you might say could only hurt yourself and your family and you had never done anything wrong?

A. That's right, sir; and that still holds true.

Q. So in effect you are telling him you didn't want to come forth with any --

A. I didn't have nothing to tell him. The only thing I could do by having police officers coming to my house or associating with police officers was to hurt myself and my family.

Q. Now, going back to the conversation you had with him on September 11th, and I think I mis-dated that - I just want to put it again. I suggest to you that on that conversation you stated a member of parliament was now interested and that member of parliament could further my testimony.

A. I cannot say my memory serves. I said it or not.

THE COMMISSIONER: Q. You deny saying it

A. Just I have to deny it again because I don't remember. I have no knowledge of saying it; based on my knowledge of it.

Q. It is one thing to say I don't remember saying it and it is another thing to say I might have or did not say it?

A. I tried to tell you I didn't know during that period what I was saying. I am trying to bring out my thoughts and trying to be as correct about that situation as well as I can; but the turmoil I had -- I might have said to him "I'm going to contact Prince Phillip" but it had no bearing on it. It was just a matter of speech.

Q. Have you any recollection today of what you did say to him?

A. No sir, I haven't. I do have a recollection of saying to John Anderson I got a re-action, and that's about all that I can remember saying.

MR. WILSON: Q. Coming back to this meeting in Windsor, December 15th, 1959, with Anderson, isn't it a fact that he asked you on that occasion what the re-action had been from the meeting you had had in September at Queen's Quay, or whatever you call it, in Toronto?

A. Did he ask me?

Q. What the re-action was?

A. What re-action I had got from that meeting with him here?

A. Just I have to deny it again because I don't remember. I have no knowledge of anyone else, based on my knowledge of it.

Q. It is one thing to say I don't remember anything it and it is another thing to say I might have or did not say it.

A. I tried to tell you I didn't know anything more than I am saying. I am trying to bring out my thoughts and trying to be as correct about that situation as well as I can; but the counsel I had -- I might have said to him "I'm going to contact Prince Phillip" but it had no bearing on it. It was just a matter of speech.

Q. Have you any recollection being of what you did say to him?

A. No sir, I haven't. I do have a recollection of saying to John Anderson I got a re-action, and that's about all that I can remember saying.

MR. WITSON: Q. Coming back to this meeting in Windsor, December 15th, 1959, with Anderson, isn't it a fact that he asked you on that occasion what the re-action had been from the meeting you had had in September at Owen's Quay, or whatever you call it, in Toronto?

A. Did he ask me?

Q. Yes, the re-action.

A. What re-action I had got from the meeting with him here?

Q. Yes?

A. I don't know, sir. He might have said that. I cana't give you an answer there.

Q. Do you deny that you did not reply to him that they had contacted him at the hotel? That is contacted you at the hotel, informed you of the meeting between Anderson and yourself, and said to you - that is the people that contacted you - said to you "There are a few people at the Buildings who would like to see you done in because of your getting out of jail earby?

A. I never made a statement of that kind in my life. That has no basis of truth. There's not one word in there that's true.

Q. Do you deny that you said that?

A. I deny it because I can't remember saying it. So I -- If I don't remember saying it how could I say it?

Q. Is your basis for denying it that you cannot remember it?

A. I have no knowledge of those words.

Q. Do you say it is a question of not remembering?

A. Yes.

Q. Is your only basis for denying it, your statements, that today you can't remember making that statement?

A. That's right, sir; and I don't believe

Q. Yes?

A. I don't know, sir. He might have made that. I can't give you an answer there.

Q. Do you deny that you did not really [illegible] at the hotel? That is contacted you at the hotel, [illegible] and yourself, and said to you - that is the people that contacted you - said to you "There are a few people at the Buildings who would like to see you done in because of your getting out of jail early?

A. I never made a statement of that kind in my life. That has no basis of truth. There's not one word in there that's true.

Q. Do you deny that you said that?

A. I deny it because I don't remember saying it. So I -- if I don't remember saying it how could I say it?

Q. Is your basis for denying it that you cannot remember it?

A. I have no knowledge of those words.

Q. Do you say it is a question of [illegible]?

A. Yes.

Q. Is your only basis for denying it, your statements, that today you can't remember making that statement?

A. That's right, sir; and I don't believe

I ever said a word like that in regard to the Buildings and "they were going to do me in because I got out". That doesn't even make sense to me.

Q. Now, is it true?

A. Is it true?

Q. Yes?

A. Sir, I can't give you an honest answer. I can't ever remember making a statement of that kind.

Q. Did that discussion between Anderson and yourself on December 15th revolve around McDermott?

A. I don't know about dates, sir.

THE COMMISSIONER: Q. When Anderson was at your house?

A. Yes. Well, when Anderson was at my house I think the only thing I done was knock Joe McDermott; and told him how much I hated Joe McDermott; and I would take any tactics to hurt him. And that was the sum total of my conversation with him.

Q. Now, in that discussion, do you recall speaking about the disappearance of Script Mitchell?

A. Yes I did, sir. I remember that.

THE COMMISSIONER: Q. Just a moment. All right.

MR. WILSON: Q. Did anyone say to you he suspected that Script Mitchell had been done

I ever said a word like that in regard to the buildings and "they were going to do me in because I got out". That doesn't even make sense to me.

Q. Now, is it true?

A. Is it true?

Q. Yes?

A. Sir, I can't give you an honest answer. I can't ever remember making a statement of that kind.

Q. Did that discussion between Anderson and yourself on December 12th revolve around [illegible]?

A. I don't know about dates, sir.

[illegible] A. [illegible]

was at your house?

A. Yes. Well, when Anderson was at my house I think the only thing I done was break the Moloneyett; and told him how much I hated the Moloneyett; and I would take any tactics to hurt him. And that was the sum total of my conversation with him.

Q. Now, in that discussion, do you recall speaking about the disappearance of Jerald Matsinzile?

A. Yes I did, sir. I remember that.

The COMMISSIONER: Q. Just a moment. All right.

Mr. Wilson: Q. Did anyone say to you in connection that Jerald had been [illegible]

away with?

A. I think he told me that Script was in the gorge - I'm not sure. He might have said "done away with", or some other expression.

Q. Did you reply to that "Well, what do you think would happen to me, then?"

A. Did I say that? Yes, sir; I might have used that expression.

Q. Did you go on to say "Mitchell felt the same way about McDermott as I did. They are a rough crowd down there - or over there, Borrelli and the rest of them, and the chief, too. Mitchell also told me that you couldn't be trusted?

A. Who couldn't be trusted?

Q. Well, you are the person who I say made that statement?

A. Who was I referring to, sir? I don't know anything about that. I mentioned Script Mitchell having disappeared and I asked John what he thought about it and I said "They're a rough crowd down there", or "They're a rough gang down there". This is possible. I am trying to go along with the text of the report. I might have said that; and about what would happen to me, I don't know about that. I might have said that, and the whole thing I might have said because I told you I was in -- I was saying all kinds of crazy things. I

away with?

A. I think he told me that Sorlie was in the house - I'm not sure. He might have said "done away with", or some other expression.

Q. Did you really to think "Well, what do you think would happen to me, there?"

A. Did I say that? Yes, sir; I might have said that.

Q. Did you go on to say "Mitchell felt the same way about Robertson as I did. They [illegible] Morrell and the rest of them, and the other, too. Mitchell also told me that you couldn't be trusted?

A. Who couldn't be trusted?

Q. Well, you are the person who I say [illegible]

A. Who was I referring to, sir? I don't know anything about that. I mentioned [illegible] Robertson and I [illegible] John what he thought about it and I said [illegible] a rough gang down there". That's possible. I am trying to go along with the text of the report. I might have said that; and about what would happen to me, I don't know about that. I might have said that, and the whole thing I might have said because I told you I was in -- I was saying all kinds of crazy things. I

wasn't connected with Script Mitchell so I don't know why at this time I should be interested in him.

Q. What was your knowledge of McDermott's interest in the Ramsay Club?

A. Not the slightest. I was never in the Ramsay Club in my life.

Q. Well, that isn't the question I put to you?

A. What knowledge, sir? I answered I had no knowledge whatsoever.

Q. What did you know about Mitchell's feelings towards McDermott?

A. Mitchell hated McDermott. This goes back prior to any Ramsay Club, or anything. This goes back to the bootlegging days around Niagara Falls when Joe had a blind pig down there and he and Mitchell were feuding.

Q. I will repeat part of what I suggest to you was your answer to this Anderson statement that he suspected Mitchell, suspected done away with. They are a rough crowd over there, Borrelli and the rest of them and the chief, too. Now, who was the "chief" that you were talking about?

A. I don't know. I didn't even mention Borrelli. I don't think I know Borrelli.

THE COMMISSIONER: Q. You know of him?

A. I know of him through the newspapers, sir.

merely suggested, perhaps strongly, as I don't know why at this time I should be interested in him.

Q. What was your knowledge of Bonnerotte's interest in the Fenway Club?

A. Not the slightest. I was never in the Fenway Club in my life.

Q. Well, what kind of questions put to you?

A. What knowledge, sir? I answered I had no knowledge whatever.

Q. What did you know about McSweeney's dealings therewith?

A. Nothing at all. Bonnerotte, Tim Ross back prior to any Fenway Club, or anything. This goes back to the boosting days around Eagles Field when we had a great gang down there and he and McSweeney were fooling.

Q. I will repeat part of what I suggest to you was your answer to this Bonnerotte statement that he suspected McSweeney, suspected dope away with. They are a rough crowd over there, McSweeney and the rest of them and the other, too. Now, who was the "other" that you were talking about?

A. I don't know. I don't know mention somewhere. I don't think I know somewhere.

Q. Do you know of him?

A. I know of him through the newspapers, sir.

Q. What newspapers?

A. The Toronto Telegram and the Toronto Star.

Q. When did you first learn of Borrelli?

A. His name in thegambling business? I might have heard it fifteen years ago; but I don't know Borrelli. When I read his name in the Star it rang a bell that I had heard his name.

MR. WILSON: Q. Well, now, who did you ever speak of as the "chief"?

A. I don't know who I was referring to.

Q. Did you ever use that expression at all?

A. I cana't give you an honest answer there.

Q. Do you deny you used that expression?

A. I can't deny it because I can't remember whether I used it or not.

Q. On that occasion did you ask Anderson whether he was one of McDermott's men?

A. Possibly. I was just suspicious of John Anderson and I thought John Anderson was doing something. I didn't know what he was doing, whether it was around a blind pig or books or what.

Q. It is pretty obvious, isn't it, that

Q. What newspaper?

A. The Toronto Telegram and the Toronto Star.

Q. When did you first learn of Bonnelli?

A. Did name in disembling business? I might have heard it fifteen years ago; but I don't know Bonnelli. When I read his name in the Star it rang a bell that I had heard his name.

MR. WINDON: Q. Well, now, who did you ever speak of as the "chief"?

A. I don't know who I was referring to.

Q. Did you ever use that expression to him?

A. I can't give you an honest answer there.

Q. Do you deny you used that expression?

A. I can't deny it because I can't remember whether I used it or not.

Q. On that occasion did you ask Anderson whether he was one of Bonnelli's men?

A. Possibly. I was just suspicious of John Anderson and I thought John Anderson was doing something. I didn't know what he was doing, whether it was around a Island pig or Bonnelli or that.

Q. It is pretty obvious, isn't it, that

you had contacted him deliberately and said you had some information to give him and then backed away from him?

A. I wanted to sound John Anderson. In all these crazy years I was sounding down John Anderson to get a re-action. I had no idea what was going on.

Q. What kind of business were you in in the Fall of 1959 that you found it important for you to send John Anderson in?

A. I might have wanted to get back into some kind of business - I don't know. I wanted to make a living and gambling was all I knew.

Q. Is that the truth of the matter? Isn't the truth of the matter that you were going to spill the beans about McDermott when you set up that meeting in Toronto, and before there was any meeting arranged that you realized --

A. That's not true, sir.

Q. Contacted you -- Papalia contacted you or somebody contacted you and you were afraid to go through with it?

A. I never talked -- To my knowledge I didn't think from the day that I contacted John Anderson that I ever spoke to Joe McDermott, to the best of my knowledge.

THE COMMISSIONER: Q. What was the date of his release from the hospital?

you had contacted him deliberately and said you had some information to have him-- he backed away from him?

A. I wanted to contact John Anderson. In all these ninety years I was sounding down John Anderson to get a re-action. I had no idea that was going on.

Q. What kind of business were you in in the Fall of 1989 that you found it important for you to send John Anderson in?

A. I might have wanted to get back into some kind of business - I don't know. I wanted to make a living and gambling was all I knew.

Q. Is that the truth of the matter? Isn't the truth of the matter that you were going to sell the bonds about Hollywood when you set up that meeting in Toronto, and before there was any meeting arranged that you realized --

A. That's not true, sir.

Q. Contacted you -- Jamaica contacted you or somebody contacted you and you were afraid to go through with it?

A. I never talked -- To my knowledge I didn't think from the day that I contacted John Anderson that I ever spoke to the Hollywood, to the best of my knowledge.

THE COMMISSIONER: Q. What was the date of his release from the hospital?

MR. WILSON: The release from the hospital was April 23rd, 1958.

THE COMMISSIONER: I don't mean the release from the hospital, the release from jail?

MR. WILSON: The release from jail is April 23rd, 1958.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Now, at that same meeting on December 15th you had with Anderson in your home in Windsor, didn't you tell him that if he was sincere and the police wanted to catch up with McDermott and the Niagara Falls group they could if they put a man to work in some brokerage office on Bay Street, which you claimed would be the only place to try from? Assist him to make the right connections so he could get into the Vets Club in Cooksville, the Niagara Falls Club and any other club, and it wouldn't take very long?

A. I don't have any recollection of this conversation whatsoever.

Q. Well, do you deny you said that?

A. I have no recollection. There was so much conversation, sir, and where you have -- I have no references to refresh my mind. I can't remember what I said.

Q. What brokerage firm on Bay Street would have any connection with any of these Clubs?

MR. WILSON: The release from the hospital.

THE COMMISSIONER: I don't mean the release from the hospital, the release from jail?

MR. WILSON: The release from jail in April 1924.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Now, at that same meeting on December 15th you had with Anderson in your home in Windsor, didn't you tell him that if he was interested you'd be willing to back up with Mulcahy and the Niagara Falls group they could if they put a man to work in some practical office in Detroit, which Anderson claimed would be the only place to buy from; that him to make the right connections so he could get into the Vets Club in Gosfield, the Niagara Falls Club and any other club, and it wouldn't take very long?

A. I don't have any recollection of that conversation.

Q. Well, do you deny you said that?

A. I have no recollection. There was so much conversation, etc, and where you have -- I have no reference to refresh my mind. I can't remember that I said.

Q. What brokerage firm on Bay Street would have any connection with any of these Clubs?

A. Gee, I wouldn't know. I was never at Bay Street and I wasn't in a brokerage office there.

Q. Well --

THE COMMISSIONER: Q. You know some of the people on Bay Street?

A. No, I don't.

Q. You don't know any people who work in brokerage houses on Bay Street?

A. Not to my knowledge, no.

MR. WILSON: Q. THat is your answer under oath?

A. There might be people who work in the stock market but I wouldn't know them, if they worked in the stock broker's office, no sir.

Q. Is that your answer?

A. That's my answer.

Q. Now,at that same meeting did you speak to Anderson about the raiding of bookmakers in the City of Niagara Falls?

THE COMMISSIONER: This is the meeting at the witness's house?

MR. WILSON: No, this is December 15, 1959, at the witness's house.

Q. Did you speak to him about the raiding of bookmakers in theCity of Niagara Falls, and in particular the Batolomy's Shoe Repair Shop in Niagara Falls?

A. I don't know. I can't remember.

A. Gee, I wouldn't know. I was never at Gay Street and I wasn't in a brokerage office [illegible].

Q. Well --

THE COMMISSIONER: Q. You know some of the people in Gay Street?

A. No, I don't.

Q. You don't know the people in the [illegible] in Gay Street?

A. No, to my knowledge, No.

MR. WILSON: Q. What is your answer under oath?

A. There might be people who work in the stock market but I wouldn't know them. If they worked in the stock broker's offices, no sir.

Q. [illegible]

A. That's my answer.

Q. Now, at that same meeting did you speak to Anderson about the meeting of bookmakers in the City of Niagara Falls?

THE COMMISSIONER: This is the meeting at the witness's house?

MR. [illegible]: Q. Was it [illegible] at the witness's house.

Q. Did you speak to him about the meeting of bookmakers in the City of Niagara Falls, and in particular the detectives's Shoe Repair Shop in Niagara Falls?

A. I don't know. I don't remember.

I don't know if I ever mentioned -- I don't know any bookmakers in Niagara Falls.

Q. Now?

A. No, sir. The only persons I knew there was Script Mitchell. I knew him in a vague way, sir.

THE COMMISSIONER: Q. When?

A. Back ten or fifteen years ago; going down to Fort Erie and betting with him down there. That was my only contact with him at any time.

Q. Yes.

A. But I didn't know one bookmaker in Niagara Falls - not one in that part of the country. I have no knowledge of any of them.

MR. WILSON: Q. Now, did you - after that meeting on December 15, 1959 - did you go to Dayton, Ohio?

A. Dayton?

Q. Yes? Have you ever been in Dayton, Ohio?

A. I have beenthrough there.

Q. Yes?

A. I have never been there. I have been through there on a plane.

Q. Did you on or about December 25, 1959, send a post card from Dayton, or arrange to have it sent from Dayton, in the name of Oran, to McDermott?

I don't know if I ever mentioned -- I don't

[illegible] in Oregon City.

Q. [illegible]

A. No, sir. The only persons I knew there

are [illegible] [illegible]

may, sir.

THE COMMISSIONER: Q. Where

A. [illegible] [illegible]

going down to Fort Hall and bartering with him down

there. That was my only contact with him or

[illegible] [illegible].

Q. [illegible]

Q. [illegible] Hall's [illegible] [illegible]

Oregon Trails - not one in that part of the

country. I have no knowledge of any of

them.

MR. ELLIOTT: Q. Now, did you - after

that meeting on December 15, 1955 - did you go

to Dayton, Ohio?

A. Dayton?

Q. Yes? Have you ever been in Dayton,

Ohio?

A. I have been through there.

Q. [illegible]

A. I have never been there. I have

been through there on a plane.

Q. Did you on or about December 27, 1955,

send a post card from Dayton, or purport to have

it sent from Dayton, in the name of Owen, to

[illegible]

A. No, sir!

Q. Did you?

A. No, sir.

Q. Did you make any demands on McDermott for money about this time?

A. I was -- I made -- Until I broke off with McDermott after these dates you mention I don't think that I made any demands at all. I'm not sure.

Q. I am asking you whether you did make demands?

A. I can't tell you, sir, because I can't remember the dates. I don't know.

Q. When did you make demands on McDermott after you got out of jail?

A. In 1958, I think.

Q. You got out on July - in July - 1958?

A. Yes.

Q. And was it later on in 1958 that you made demands on him?

A. I think so, sir.

Q. How much money were you demanding from him?

A. I wanted to get into a business --

THE COMMISSIONER: Q. How much were you demanding?

A. I wasn't demanding any specific amount. I didn't ask for anything. I didn't tell him "Joe, I need some money".

Q. Oh, yes.

Q. Did you

A. No, sir.

Q. Did you make any demands on

Rockefeller Foundation Grant Money?

A. I was -- I made -- Until I broke off with Rockefeller after these dates you mention I don't think that I made any demands at all. I'm not sure.

Q. I am asking you specifically if

made demands.

A. I can't tell you, sir, because I can't remember the dates. I don't know.

Q. When did you make demands on Rockefeller after you got out of jail?

A. In 1948, I think.

Q. You got out on July - in July - 1948?

A. Yes.

Q. And was it later on in 1949 that you made demands on him?

A. I think so, sir.

Q. How much money were you demanding from him?

A. I wanted to get into a business --

THE COMMISSIONER: Q. How much were you demanding?

A. I wasn't demanding any specific amount. I didn't ask for anything. I didn't tell him "Gee, I need some money".

Q. If he said "Here's a dime, get a cup of coffee" --

A. I would have said I didn't want a cup of coffee, I wanted a couple of hundred dollars. There was no set amount I was claiming or asking for.

MR. WILSON: Q. Did you threaten to expose him if he didn't pay you money?

A. To who, sir?

Q. If he didn't pay you some money?

A. I had nothing to expose him from.

Q. Now, what right did you haveat that time to demand money from McDermott?

A. Just on the strength of what I had borrowed previous from him and the trouble he had caused to my family at that time. He was going to break my home up with the trouble he had caused my sons.

Q. Did you ever use the name Foran in a post card written to McDermott?

A. Never in my life.

Q. Did you ever direct anybody to use it?

A. Never, sir.

Q. I suggest to you it was around the end of December? Well, the transcript shows - we will try it both ways - the transcript shows Foran - did you ever use that?

A. I never used a name even close to that or with any phonetic sound like that. Never

Q. If he said "Here's a dime, get a cup of coffee" --

A. I would have said I didn't want a cup of coffee, I wanted a couple of hundred dollars. There was no set amount I was claiming or asking for.

MR. WILKSON: Q. Did you threaten to expose him if he didn't pay you money?

A. [illegible]

Q. If he didn't pay you some money

A. I had nothing to expose him from.

Q. Now, what right did you haveat that time to demand money from McDermott?

A. Just on the strength of what I had borrowed previous from him and the trouble he had caused to my family at that time. He was going to break my home up with the trouble he had caused my sons.

Q. Did you ever use the name Foran in a past card written to McDermott?

A. Never in my life.

Q. Did you ever direct anybody to use it?

A. Never, sir.

Q. I suggest to you it was around the end of December? Well, the transcript shows - we will try it both ways - the transcript shows Foran - did you ever use that?

A. I never used a name even close to that or with any resemblance [illegible]

used it.

Q. I suggest to you it was around the end of December, 1959, that you were making demands on McDermott for money? Now, weigh that question carefully.

A. Probably. Yes, I would say somewhere around there.

Q. And then were you subsequently informed that he had sent a lawyer - Dave Humphrey - to see the Prominicial Police about these demands?

A. The day that I learned that he had sent Dave Humphrey to see the Provincial Police was the day before yesterday, or Monday, when I read it in the Toronto papers. Didn't have the slightest conception of that.

Q. No.

A. It was a bombshell to me.

eQ. After you made these demands for money from McDermott in the Fall of 1959, did Papalia get in touch with you?

A. No, sir, I don't believe it was at that time. I think my trouble with Papalia came later.

Q. How much later?

A. It could have been in 1960, sir. The months I couldn't tell you. I have no idea.

Q. Now, after you made these demands did McDermott not do something about it?

used it.

Q. I suggest to you it was around the end of December, 1950, that you made demands on Kilgorski for money, did you not? Think this question carefully.

A. Probably. Yes, I would say somewhere around there.

Q. And then were you subsequently informed that he had sent a lawyer - Dave Humphrey - to see the Provincial Police about these demands?

A. The day that I learned that he had sent Dave Humphrey to see the Provincial Police was the day before yesterday, or Monday, when I read it in the Toronto papers. Didn't have the slightest conception of that.

Q. No.

A. It was a bombshell to me.

Q. After you made these demands for money from Kilgorski in the Fall of 1950, did Pagnilla get in touch with you?

A. No, sir, I don't believe it was at that time. I think my trouble with Pagnilla came later.

Q. How much later?

A. It could have been in 1951, sir. The months I couldn't tell you. I have no idea.

Q. Now, after you made these demands did Kilgorski not do something about it?

A. He had helped me out four or five times after I got out of Mimico, and then he pulled the purse shut and wouldn't help me out any more. The dates of when he helped me or the amounts I don't know. I haven't got the foggiest idea. I couldn't give you one date or day or anything.

Q. What hold did you have on him that he would keep on paying you money after you got out of jail?

A. I got so much hold that he stopped, dead bang, and I couldn't get five cents from him. If I had a hold on him and he wanted to help me he would be helping me now. I haven't talked to Joe McDermott in approximately three years.

Q. When was the last demand you made on Joe McDermott for money?

A. Well, as a demand or to ask, sir? I think I asked him for money some time around 1959 or 1960 time. I'm not sure.

Q. You told us at the end of 1959 you were demanding money?

A. I didn't say I was demanding, I was asking for money.

Q. Did you continue after that time?

A. I think that I did give him two or three more requests for money and I could see that I was up against a brick wall and I couldn't get any money from him.

A. He had helped me out four or five times before I got real at it and then he pulled the purse out and wouldn't help me out any more. The dates of when he helped me or the amounts I don't know. I haven't got the faggots idea. I couldn't give you one date or day or anything.

Q. What hold did you have on him that he would keep on paying you money after you got out of jail?

A. I got so much hold that he stopped, dead broke, and I couldn't get five cents from him. If I had a hold on him and he wanted to help me he would be helping me now. I haven't talked to Joe Mulcrooft in approximately three years.

Q. When was the last demand you made on Joe Mulcrooft for money?

A. Well, we talked on the way, sir; I think I asked him for money some time around 1900 or 1901 also. I've lost some.

Q. You told us at the end of 1899 you were committing perjury?

A. I didn't say I was demanding, I was asking for money.

Q. Did you continue after that time?

A. I think that I did give him two or three more requests for money and I could see that I was no against a broke wall and I couldn't get any money from him.

Q. Well, how much did he give you after you came out of jail?

A. He might have given me a couple of thousand dollars.

THE COMMISSIONER: Q. He might have?

A. Or he did give me. I can't give you specific sums because I don't know.

Q. How much did he give you after you got out of jail?

A. Say two thousand dollars he lent me.

MR. WILSON: Q. And you were still asking you say for money after December, 1959 - for more money?

A. I believe I was, sir.

Q. Yes, and when was it you had a contact with or heard from John Papalia?

A. That was a long while after that.

Q. Well, when was it?

A. I don't know, sir. There would be a record in the King Edward Hotel, I don't know, but I was listed there and I paid my bill. They must have records.

Q. Was it in 1960?

A. It probably wass because I haven't seen Papalia for two years, I'm sure.

Q. Was it before Wright was arrested, or --

A. Before Wright was arrested.

Q. Yes?

Q. Well, how much did he give you after you came out of jail?

A. He might have given me a couple of thousand dollars.

Q. Or he might have -

A. Or he did give me. I can't give you specific sums because I don't know.

Q. How much did he give you after you got out of jail?

A. Say two thousand dollars he lent me.

MR. WILSON: Q. And you were still asking you say for money after December, 1909 - for more money?

A. I believe I was, sir.

Q. Yes, and when was it you had a contact with or heard from John Fanelli?

A. That was a long while after that.

Q. Well, when was it?

A. I don't know, sir. There would be a record in the King Edward Hotel, I don't know, but I was listed there and I paid my bill. They must have records.

Q. Was it in 1909?

A. It probably was because I haven't seen Fanelli for two years, I'm sure.

Q. Was it before Wright was arrested, or -

A. Before Wright was arrested.

Q. -

Q. Yes?

A. Oh, a long while before that.

Q. Yes.

A. Oh, yes.

Q. And how long -- How many months before Wright was arrested did you hear from Papalia?

A. Gee, I couldn't tell you, sir.

THE COMMISSIONER: Q. Roughly?

A. I couldn't even hazard a guess.

Q. Twelve months?

A. I'm under oath here - I can't hazard a guess. I don't know.

MR. WILSON: Q. Where did you meet Papalia, in Windsor or Toronto?

A. I met Papalia -- I'd met Papalia once in Windsor and I talked to him on the phone in Toronto.

Q. Now, where was the meeting in Windsor?

A. I think that it was in the Prince Edward Hotel.

Q. Was he staying there?

A. I believe he was.

Q. And what was the purpose of that meeting?

A. Somebody had died in Windsor and I think he was down there to attend the funeral.

Q. Did he call you to come and see him?

Q. Yes?

A. Oh, a long while before that.

Q. Yes.

A. Oh, yes.

Q. And how long -- how many months

before Christmas somewhere did you hear from

Pagella?

A. Gee, I couldn't tell you, sir.

Q. Couldn't

A. I really't even hazard a guess.

Q. Twelve months?

A. I'm under oath here - I can't hazard

a guess. I don't know.

MR. WIRGOW: Q. Where did you meet

Pagella, in Windsor or Toronto?

A. I met Pagella -- I'd met Pagella

once in Windsor and I talked to him on the phone

in Toronto.

Q. Now, where was the meeting in

Windsor?

A. I think that it was in the Prince

Edward Hotel.

Q. Was he staying there?

A. I believe he was.

Q. And what was the purpose of that

meeting?

A. Somebody had died in Windsor and I

think he was down there to attend the funeral.

Q. Did he call you to come and see

him?

A. Yes, or the people at the funeral he attended told me John Papalia was in town and I went up and made a courtesy call on him.

THE COMMISSIONER: Q. A courtesy call?

A. Yes, sir.

Q. What do you mean by that? Was that the first time you had ever met the man?

A. Yes, sir.

Q. You were going up to pay a courtesy call on a man you had never previously met?

A. He was a gambler.

MR. WILSON: Q. What did he tell you at this courtesy call?

A. What did he tell me?

Q. Yes?

A. He was laying on the bed smoking a cigarette and we just talked generalities; and I put the bite on him for five hundred dollars there.

Q. Did he give it to you?

A. He lent it to me.

Q. Was that before or after your last request for money was made to McDermott?

A. The meeting in Windsor?

Q. Yes?

A. Oh, that was away before.

Q. Away before?

A. Yes, sure.

Q. And what was your understanding of Papalia's relationship to McDermott?

A. Yes, or the people at the funeral he attended told me John Zanella was in town and I went up and made a courtesy call on him.

THE COMMISSIONER: Q. A courtesy call:

A. Yes, sir.

Q. What do you mean by that. Was that the first time you had ever met this man:

A. Yes, sir.

Q. You were going up to pay a courtesy call on a man you had never previously met?

A. He was a friend.

MR. WILSON: Q. What did he tell you at this courtesy call?

A. What did he tell me?

Q. Yes?

A. He was laying on the bed smoking a cigarette and we just talked generalities; and I put the bite on him for five hundred dollars there.

Q. Did he give it to you?

A. He lent it to me.

Q. Was that before or after your last request for money was made to Mollenhoff?

A. The meeting in Wilmore?

Q. Yes.

A. No, that was many years.

Q. Away before?

A. Yes, sure.

Q. And what was your understanding of Zanella's relationship to Mollenhoff?

A. I don't think there was any relationship there. I think he had his own lines of endeavour.

Q. This was just a fellow gambler that you had never met before; you went into the hotel for a courtesy call and put the bite on him for five hundred dollars?

A. On the strength that I had a club in Windsor and I was going to get back into business. I got five hundred dollars on the strength of the gambling business. It isn't at all uncommon.

Q. Did Papalia ever tell you better stop this demanding of money from McDermott?

A. Never.

Q. Never did?

A. Never did, sir.

Q. Did he ever ask you for the return of the five hundred dollars?

A. Yes he did, sir. He phoned me.

Q. At the King Edward Hotel in Toronto?

A. Yes, sir.

Q. When did that occur?

A. Again my dates -- I think that's the time when I moved rooms. I think that was the night that I moved. I changed my rooms theree

Q. Was that before or after Wright was arrested?

A. Oh, thag would be a long while before

A. I don't think there was any [illegible] in [illegible] times of endeavour.

Q. This was just a fellow gambler that you had never met before; you went into the hotel for a courtesy call and put the dice [illegible]

A. On the strength that I had a club in Windsor and I was going to get back into [illegible] strength of the gambling business. It isn't at all uncommon.

Q. Did Pagalis ever tell you Hudson better stop this demanding of money from McDermott?

A. Never.

Q. Never did?

A. Never did, sir.

Q. Did he ever ask you for the return of the five hundred dollars?

A. You be dim, sir. He phoned me.

Q. At the King Edward Hotel in Toronto?

A. Yes, sir.

Q. [illegible]

A. Again my dates -- I think that's the time when I moved rooms. I think that was the night that I moved. I changed my rooms there.

Q. Was that before or after midnight was [illegible]?

A. Oh, that would be a long while before

Wright was arrested.

Q. So both the loan of five hundred and the demand for the return of it was long before Wright was arrested?

A. Of course.

Q. Would that be during the period that you were demanding money from McDermott?

A. You keep using the expression demanding. I never demanded. I wasn't in a position to demand it. I was asking for money.

THE COMMISSIONER: Q. Did you ever repay Papalia?

A. No sir, I didn't.

Q. No.

MR. WILSON: Q. Now --

THE COMMISSIONER: Q. You must owe a lot of people?

A. I certainly do, sir.

MR. WILSON: Q. Now, did you call Gardiner again?

THE COMMISSIONER: Call whom?

MR. WILSON: Q. At least Anderson again on December 28, 1959? That would be a couple of weeks after he was at your house in Windsor?

A. Yes, sir; during that period that I told you. There's a good possibility I did but I have no knowledge of dates or times or when it happened.

weight was surprised.

Q. So both the loan of five hundred and the demand for the return of it was long before [illegible] Mr. McDermott?

A. Of course.

Q. Would that be during the period that you were demanding money from McDermott?

A. You were asking the expression demanding. I never demanded. I wasn't in a position to demand it. I was asking for money.

THE COMMISSIONER: Q. Did you ever repay [illegible]?

A. [illegible] I didn't.

Q. No.

MR. WILSON: Q. Now --

THE COMMISSIONER: Q. You must owe a lot of people?

A. I certainly do, sir.

MR. WILSON: Q. Now, did you call [illegible] against [illegible]

THE COMMISSIONER: Well [illegible]

MR. WILSON: Q. At James Anderson again on December 28, 1929? That would be a couple of weeks after he was at your house in Windsor?

A. Yes, sir; during that period that I told you. There's a good possibility I did but I have no knowledge of dates or times or when it happened.

Q. Why were you calling him on that occasion?

A. I don't know.

Q. You don't know?

A. No sir, I don't know. I didn't know what I was doing.

Q. And in that telephone call did you tell Anderson that you would assist the Ontario Provincial Police in trying to work an undercover man into the brokerage office on Bay Street?

A. Well, I don't have any connections in any brokerage office. I don't know anybody there.

Q. You were not asked that.

A. I don't know what I was asked.

THE COMMISSIONER: Q. Well, pay attention and you will know.

Put it to him again.

MR. WILSON: Q. Did you, on December 28th, in this telephone call you made to Anderson, say that you would assist the Ontario Provincial Police in trying to work an undercover man on Bay Street in a brokerage office?

A. I have no knowledge of it whatsoever. I have no knowledge of ever making a statement of that kind.

THE COMMISSIONER: Q. If he says you did will you deny it?

A. Of course I will because I have no

Q. Why were you calling him on that occasion?

A. I don't know.

Q. You don't know?

A. No sir, I don't know. I didn't know what I was doing.

Q. Did Inspector Williamson call on you to tell Anderson that you would assist the Ontario Provincial Police in trying to work an undercover man into the brokerage office on Bay Street?

A. Well, I don't have any connection in any brokerage office. I don't know anybody there.

Q. You were not asked that.

A. I don't know what I was asked.

Q. Well, say exactly and you will know.

Put it to him again.

MR. WILSON: Q. Did you, on December 26th, in this telephone call you made to Anderson, say that you would assist the Ontario Provincial Police in trying to work an undercover man on Bay Street in a brokerage office?

A. I have no knowledge of it whatsoever. I have no knowledge of ever making a statement of that kind.

THE COMMISSIONER: Q. If he says you did, will you say it?

A. Of course I will because I have no

knowledge of saying it. If there was any doubt in my mind I would have talkied it out with the --

Q. What did you say to him?

A. I couldn't tell you, sir. I said a lot of crazy things; a lot of ridiculous things.

MR. WILSON: Q. Now, during the period you were operating this club - 1953 to 1957 - Did you have any accountant do any work on the books and records?

A. Yes we did, sir.

Q. Who?

A. Jack Tessier was one.

Q. How do you spell that?

A. T E S S I E R.

Q. Yes?

A. I believe that's the way it's spelled but I'm not sure.

Q. Is he an accountant in Windsor?

A. He's a certified accountant there, yes.

Q. Who else worked on that?

A. There was another chap that worked on the books with a Jewish name but I can't remember his name, sir.

Q. Did he do work before or after Tessier?

A. No, I think Tessier was the first man.

[illegible] if [illegible] any doubt in my mind I would have bankrupted it out with the --

Q. What did you say to him?

A. I couldn't tell you, sir. I said a lot of crazy things; a lot of ridiculous things.

Mr. Kilgore: Q. Now, during the period you were operating this club - 1933 to 1947 - did you have any accountant do any work on the books and records?

A. Yes we did, sir.

Q. What?

A. Jack Tourbier was one.

Q. Was he your small man?

A. [illegible]

Q. What?

A. I believe that's the way it's spelled but I'm not sure.

Q. He's an accountant in Kansas?

A. He's a certified accountant (spelling).

Q. Who else handled the [illegible]?

A. There was another guy that worked on the books with a Jewish name but I can't remember his name, sir.

Q. Did he do work before or after Tourbier?

A. No, I think Tourbier was the first man.

Q. Surely you recall the name of the second man?

A. I don't. I volunteered the name of the first man and if I knew the name of the second man - I don't know.

Q. Did Cliff Lawrence have anything to do with your books?

A. That name doesn't mean a thing to me.

Q. Where did this second man have his office in Windsor?

A. His office was on Ouellette Avenue somewhere between -- South of Wyhndotte Street on the east side of the street; or maybe it was up further a half a dozen blocks.

Q. Just describe this man?

A. Well, I only saw him once. I only went to his office once. I couldn't describe him.

Q. Who was Finnigan's accountant?

A. I don't know. When he had a factory whether he used the same accountant or not I don't know; that he carried over into gambling. I didn't know who the accountant was.

Q. Now, who kept the minutes of the clubs?

A. The different stewards at different times.

Q. Didn't any lawyer keep the books at all - or records?

Q. Surely you recall the name of the second man.

A. I don't. I volunteered the name of the first man and if I knew the name of the second man - I don't know.

Q. Did Mr. Hunter have anything to do with your books?

A. That man didn't work - talking to me.

Q. Where did this second man have his office by chance?

A. His office was on Quellette Avenue somewhere between -- South of Wyandotte Street on the east side of the street; or maybe it was up further a half a dozen blocks.

Q. Just describe this man?

A. Well, I only saw him once. I only went to his office once. I couldn't describe him.

Q. Who was Finnigan's accountant?

A. I don't know. When he had a factory whether he used the same accountant or not I don't know. That he carried from lake building. I didn't know who the accountant was.

Q. Now, also that the statute of limitations

A. The statute expires at different times.

Q. Didn't any lawyer keep the books at all - or records?

A. Not to my knowledge, sir.

Q. No, and do you -- Did you on occasion take trips by airplane from Windsor to Toronto while you were operating this club?

A. Yes I did, sir.

Q. Did you at any time make a statement to the effect that you were carrying money?

A. No, sir.

Q. To Toronto on one of these trips?

A. No, sir.

Q. You deny that under oath?

A. Yes, sir.

THE COMMISSIONER: Q. How often would you take -- How often would you estimate you came to Toronto by plane?

A. Maybe seven or eight times.

Q. What time of the year?

A. I don't know, sir.

Q. Summer?

A. Summer or winter or fall. I might have made trips during any one of those periods.

Q. Yes - what year?

A. During the course -- Since 1941, I believe.

Q. No. No, not since 1941. I am thinking of the occasions when you flew to Toronto while you were operating the Roseland Club?

Q. Yes Sir or Madam, sir.

Q. Mr. Hall is you -- did you do

business under cover of alcohol from elsewhere

in Canada while you were operating this

club?

A. Yes I did, sir.

Q. Did you at any time make a statement

to the effect that you were carrying money

A. No, sir.

Q. To Toronto on one of those trips?

Q. No, sir.

Q. You deny that under oath?

A. Yes, sir.

The COMMISSIONER: Q. How often would you

come -- how often would you actually go

to Toronto by plane?

A. Maybe seven or eight times.

Q. That was at the period

A. I don't know, sir.

Q. Summer?

A. Summer or winter or fall. I might

have made trips during any one of those

months.

Q. Yes - what years?

A. During the summer -- since 1941,

I believe.

Q. No. No, not since 1941. I am

thinking of the occasions when you flew to

Toronto while you were operating the honeymoon

club:

A. I would say I came here six or seven or eight times during that time; and the period I wouldn't know, sir. ButI flew under my own nameand I imagine they would have records.

Q. Oh, yes. It perhaps might be safe in assuming that we know, too.

A. Well, possibly, sir.

Q. And you brought some money with you?

A. I brought my own personal money, yes.

Q. I saw you brought some money with you?

A. I brought my own personal money, sir.

Q. Well, have it your way for the time being.

A. Yes.

Q. Substantial amounts?

A. Two or three hundred dollars.

Q. Is that all?

A. That's all, sir.

MR. WILSON: Q. It would not amount to one thousand dollars?

A. To one thousand dollars at the one time?

Q. Yes?

A. Sometimes in my pocket I might have had six or seven hundred dollars. I can't recollect

A. I would say I came here six or seven or eight times during that time; was the service I rendered here. And the money by the amount I thought they could have received.

Q. Oh, yes. It perhaps might be safe in assuming that we know, too.

A. Well, possibly, sir.

Q. And you brought some money with you?

A. I brought my own personal money, yes.

Q. I saw you brought some money with you?

A. I brought my own personal money, sir.

Q. Well, have it your way for the time being.

A. Yes.

Q. [illegible]

A. Two or three hundred dollars.

Q. Is that all?

A. That's all, sir.

MR. WIRGMAN: Q. It would not amount to one thousand dollars?

A. To one thousand dollars at the one time?

Q. Yes?

A. Sometimes in my pocket I might have had six or seven hundred dollars. I can't recollect

where I had one thousand dollars. No, sir; I can't.

Q. I see. You brought the money here for a specific purpose?

A. Brought it down here to either go to the race track and bet it on the horses or do something with it. I didn't bring it down here for any other purpose than that.

Q. Well, how much do you owe McDermott today?

A. TheCommissioner asked me that already and I told him I don't know. We tried to come to some figure but I don't know what I owe him.

Q. When did you come to some figure?

A. This morning.

THE COMMISSIONER: He said it might be upwards of fifty thousand dollars.

A. It might be - somewhere around there.

MR. WILSON: Q. Have you paid anything back since you got out of jail?

A. No, sir.

Q. Have you made any attempt to pay any of it back?

A. No, sir.

Q. And you told us some time this morning that you did some gambling in Toledo?

A. Yes, sir.

Q. Ohio?

where I had one thousand dollars. No, sir; I can't.

Q. I see. You brought the money here for a specific purpose?

A. Brought it down here to either go to the race track and bet it on the horses or do something with it. I didn't bring it down here for any other purpose than that.

Q. Well, how much do you owe McDermott today?

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Q. When did you come to some figure?

A. This morning.

THE COMMISSIONER: He said it might be upwards of fifty thousand dollars.

A. It might be - somewhere around there.

MR. WILSON: Q. Have you paid anything back since you got out of jail?

A. No, sir.

Q. Have you made any attempt to pay any of it back?

A. No, sir.

Q. And you told us some time this morning that you did some gambling in Toledo?

A. Yes, sir.

Q. [illegible]

Q. Ohio?

A. Yes, sir.

Q. Did you do some gambling in Toledo Ohio in December, 1959?

A. I wouldn't know, sir. I don't know. Toledo has been closed for several years and I don't know whether Toledo was up or down in 1959.

Q. That was one of your favourite haunts, wasn't it, Toledo?

A. Any haunt where there was a gambling house was my favourite haunt.

Q. Where is Toledo in relation to Dayton, Ohio?

A. I don't know where Dayton is, exactly, but it would be quite a long ways from Toledo.

Q. All right. That is all I have at the moment.

Q. Sure.

A. Yes, sir.

Q. Did you do some gambling in Toledo Ohio in December, 1929?

A. I wouldn't know, sir. It isn't my city. Toledo has been closed for several years and I don't know whether Toledo was up or down in 1929.

Q. Did you see or pass Frankie Lewis, usually Al, Thomas?

A. Any place where there was a gambling house or Frankie Lewis.

Q. Where is Toledo in relation to Dayton, Ohio?

A. I don't know where Dayton is, exactly, but it would be quite a long ways from Toledo.

Q. All right. That is all I have at the moment.

EXAMINED BY MR. MacKINNON

Q. Witness do you always wear dark glasses?

A. These are prescription glasses, sir, and I change from byfocals, and I wear them for -- Because I have trouble with my eyes. I have two types of glasses. I don't have the other ones with me.

Q. Are they dark glasses as well?

A. No, they're clear lenses; but they are prescription as well as these. These are not what you would call dark glasses, as a pair of sun glasses. They are a medical prescription because the sun or light is bothering your eyes; because I have bad eyes.

Q. In what sense?

A. Well, I get mixed up in that - I can't see up close. My distance isn't too bad but close up I can't see and sun and light of any kind hurts my eyes.

Q. When do you wear your clear glasses, then?

A. I change them. If my eyes are eased I change them. If they are sore I use the dark glasses to protect them.

Q. They were sore all this week, were they?

A. They might have been because I wore dark glasses continuously.

Q. You haven't been using your light

Q. Without do you always wear dark glasses?

A. Those are photosensitive glasses, sir, and I change from photochromic, and I wear them for -- because I have trouble with my eyes. I have two types of glasses. I don't have the other ones with me.

Q. Are they dark glasses as well?

A. No, they're clear lenses; but they are photosensitive as well as dark. Those are what you would call dark glasses, as a pair of sun glasses. They are a medical prescription because the sun or light is bothering your eyes. I have had eyes.

Q. In what sense?

A. Well, I get mixed up in that - I can't see so close. My distance isn't too bad but close up I can't see and sun and light or any kind hurts my eyes.

Q. Does it you have your first (inaudible)

A. I change them. If my eyes are sensed I change them. If they are more I use the dark glasses to protect them.

Q. They were sore all this week, were they?

A. They might have been because I were been driving continually.

Q. You haven't been using your light

glasses?

A. I might have put them on in the hotel, maybe, last night.

Q. I see.

A. They are so unimportant to me I didn't even bring them with me.

THE COMMISSIONER: Q. What hotel are you staying at?

A. At the Lord Simcoe.

MR. FMACKINNON: Q. Who were you with last night, witness?

A. Last night?

Q. That is not very long ago? Don't tell me your memory has failed in the last twelve hours?

A. I was with Wally Rose, the man who I asked to come here and see me this monring to appear for me.

Q. And who else?

A. And a fellow by the name of Shaderi - Anthony Shaderi.

Q. Who is Anthony Shaderi?

A. He's a steel worker.

Q. Where had you met him before?

A. In my home town.

Q. Well, how would you arrange to meet him last night.

THE COMMISSIONER: Q. What is the name again, Anthony Shaderi?

A. I think that's close. How did I

glasses?

A. I might have put them on in the hotel, maybe, last night.

Q. I see.

A. They are no glasses to me I didn't even bring them with me.

THE COMMISSIONER: Q. What hotel are you staying at?

A. In the Bellevue.

MR. MARCUSSEN: Q. Who were you with last night, Gerstner?

A. Like alone.

Q. This is not very long ago? Don't tell me you were among the Fellow by the name of Gerstner?

A. I was with really Jean, the man who I used to come here and see on this morning to appear for me.

Q. Jean who else?

A. And a fellow by the name of Gerstner - Herbert Gerstner.

Q. Who is Anthony Gerstner?

A. He's a street worker.

Q. Where had you met him before?

A. On my last time.

Q. Well, how would you arrange to meet him last night?

THE COMMISSIONER: Q. What is the name Gerstner, Anthony Gerstner?

A. I think that's close. How did I

arrange to see him last night?

MR. MACKINNON: Q. Yes?

A. By a phone call.

Q. Are you an old friend of his?

A. Yes, sir.

Q. Is he a member of the gambling fraternity?

A. No, sir; he's a steel worker.

Q. Anyone else with you?

A. Last night?

Q. Yes?

A. No, sir. The only two people I talked to was Wally Rose and Shaderi.

Q. The only two people you talked to. That is face to face. Did you talk to anyone on the telephone last night?

A. Did I talk to anybody on the telephone last night.

THE COMMISSIONER: Q. Do not keep repeating the question.

A. Well, I have to think, sir. I don't know who I called on. Yes, I talked to my wife.

MR. MACKINNON: Q. Anyone else? Only twelve hours ago or sixteen hours ago - come on?

A. Who did I talk to. I might have talked to --

THE COMMISSIONER: Q. Not I "might" have". Who did you talk to?

answer to our first question.

MR. [illegible]: Q. Was

A. It's a phone call.

Q. Are you sure that [illegible] in Alex

A. Just one.

Q. - Is it another to the Dunning

Furniture?

A. No, didn't be a [illegible] woman.

Q. Anyone else at the phone

A. Just right?

Q. Yes?

A. No, sir. The only two people I

talked to was Billy Ann Dunning,

Q. - Wasn't that Dunning you talked to,

that is free to trace. Did you talk to anyone

on the telephone last night?

A. Did I talk to anybody on the telephone

last night.

MR. [illegible]: Do you know [illegible]

the overall.

A. [illegible] I know. I don't

know who I called on. Yes, I talked to my

wife.

MR. [illegible]: Q. Before [illegible] only

twelve hours ago or eighteen hours ago - some

-

A. Who did I talk to. I might have

talked to --

MR. [illegible]: A. Not I "might"

have". Who did you talk to?

A. I talked to my wife. I am trying to think of my phone calls and I can't remember exactly who I talked to.

MR. MACKINNON: Q. You talked to someone else other than your wife, didn't you?

A. I don't know whether I talked to Wally Rose or not on the phone.

(Page 1910 follows)

A. I talked to my wife. I am trying to think of my phone-calls and I can't remember exactly who I talked to.

Mr. MACKENZIE: Q. You talked to someone else other than your wife, didn't you?

A. I don't know whether I talked to daily Hope or not on the phone.

MR MACKINNON: Q. Apart from Wally Rose?

A. The only other person I could have talked to last night would have been Dave Humphrey.

Q. Did you talk to Dave Humphrey last night?

A. I believe I did. I am not quite sure.

THE COMMISSIONER: Q. Well, you know within an hour we could have a record of whom you talked to.

A. I don't know. I know I made a call to my wife. I know I didn't use the telephone very much. I know I might have called Dave Humphrey.

Q. You might have?

A. Yes; I did call Dave Humphrey, sir.

MR MACKINNON: Q. And why did you call Dave Humphrey? You were meeting with Wally Rose. Why did you call Dave Humphrey?

A. To send Wally Rose to me because I wanted a lawyer for today's hearing.

Q. You had already made arrangements with Wally Rose, you told us?

A. I had tentatively made arrangements.

Q. Why Dave Humphrey? Wally Rose can answer the phone.

MR. MACKINNON: Q. Dennis Ernie Wally Moore?

A. The only other person I could have called on last night would have been Dennis Wally.

Q. Did you talk to Dennis Wally last night?

A. I believe I did. I am not quite sure.

THE CHAIRMAN: Q. Well, you know whether or not we could have a record of when you talked to.

A. I don't know. I know I made a call to my wife. I know I didn't use the telephone very much. I know I might have called Dora Lawrence.

Q. Was Dora home?

A. Yes, I did call Dora Lawrence, too.

MR. MACKINNON: Q. And why did you call Dora Lawrence? You were drinking with Wally, too. Why did you call Dora Lawrence?

A. To send Wally home to my house. I wanted a lunch for Wally's morning.

Q. You had already made arrangements with Wally Moore, you told us?

A. I had tentatively made arrangements.

Q. Why have arrangements Wally Moore come home to your house?

A. I don't know any other lawyers. I had to get a lawyer. I didn't know just exactly how I could get hold of Rose at that time.

Q. You had already spoken to Rose before you spoke to Humphrey?

A. I had already spoken to Rose?

THE COMMISSIONER: Q. Oh, Witness, you are most aggravating, if you don't mind my saying so.

A. I'm sorry; I am not trying to be aggravating.

Q. Well, you are.

A. I don't know; Wally Rose come into the hotel and we went and had a drink. I think I called Dave Humphrey previous to that, and that's all.

MR MACKINNON: Q. What did you talk about with Dave Humphrey? It wasn't about him sending Wally Rose to you. Now, what did you talk about?

A. To get Wally Rose to come and see me.

Q. This is what you are saying now?

A. Yes, sir.

Q. And you had spoken to Dave Humphrey yesterday, hadn't you?

A. Dave Humphrey came in from behind while I was sitting in the witness room, and he

I don't know any music language. I had to use a computer. I didn't know just necessarily how a could get input or notes or such stuff.

You had already spoken to some people for works in Dungeons?

I had already spoken to Brad Cantwell, Dr. Dr. Stevens, you know based conversations. If you don't mind my saying so.

I'm sorry I am too tangled in my questions.

Well, you know.

I don't know. Still there were times the robot had us waits and had a drink. I THINK I might have frequently gravitated to some and Brad's off.

In conclusion, I guess did you ever meet with Steve Dungeons? It wasn't always something that came to you. Very good job, you.

THE INTERVIEW DOES IN STEVE AND DUNGEONS.

Kim, it was good you are having fun.

Yes, Kim.

And you just decided on Steve?

Yes.

Steve completely came in after behind really I was arguing in the without zones, and he

said "Here's the witnesses here". We sat down. I said "Pull up a chair and talk". I had no prior knowledge of Dave Humphrey coming into this place or talking to him outside of that conversation I had with him in here.

Q. And you had quite a conversation with him, didn't you?

A. Well, in a vague way.

Q. You knew that he had just finished acting or was acting for Feeley and McDermott last week in these criminal trials, didn't you?

A. No. He didn't tell me that. He told me that ---

Q. You knew?

A. I didn't know. He told me that Rose was acting for them.

THE COMMISSIONER: Q. For whom?

A. For Feeley and McDermott. That is who I understood.

MR MACKINNON: Q. You read the papers, don't you?

A. Quite thoroughly.

Q. And you saw where Dave Humphrey was acting for Feeley and McDermott on the gaming house charge to which they pleaded guilty just last week?

A. No, I don't remember that, sir.

Q. That is one thing you don't

said "Here's the attorney here". He got down. I said "Pull up a chair and relax". I had no prior knowledge it was another normal case this place or talking to the outside of this conversation I had with him in here.

Q. Did you ever have a conversation with him, didn't you?

A. Well, in a roundabout way.

Q. You have said in our final discussion yesterday or you leading the witness and discussing that said or words similar, didn't you?

A. No. He didn't tell me that. He told me that —

Q. Yes sir?

A. I didn't know. He told me that had had getting the time.

MR. CONSTANTINOPLE: Q. You mean?

A. The Valley was mentioned. That is who I communicated.

MR. MACKINNON: Q. You read this property, don't you?

A. Quite thoroughly.

Q. And you are aware there particularly and relying for Freddy and movements on the property first last year?

A. No. I don't remember that.

MR.

Q. Then is one thing you don't

remember?

A. There are a lot of things I don't remember.

Q. There certainly are. But this is just last week?

A. Well, there is nothing we can do about it. I just don't remember.

Q. Maybe there is something we will be able to do about it. You would like to know the odds on these things, I'm sure. You told the Commissioner you knew and know what the penalty for perjury is?

A. Yes.

Q. What is it?

A. I read where Mr Justice Roach warned a man in the box that you could get up to fourteen years for perjury.

Q. You believe that?

A. Certainly I do. I don't believe he would make a statement that would be untrue.

Q. Have you been promised that if you are convicted of perjury your family will be looked after once again?

A. Hell, no.

Q. Pardon?

A. Of course not.

Q. Have you been promised that you will be sprung once again if you are convicted?

A. Sir, I was never sprung. I have been promised nothing. I have no desire but to come up here and tell the truth.

Q. You have had no discussion about what might happen to you and what will be done if you are convicted of perjury?

A. With who, sir?

Q. With anyone?

A. Of course not.

Q. Not with Dave Humphrey?

A. Not with Dave Humphrey or anybody. The only thing that Humphrey told me was "Frank, when you go in there you must tell the truth". Wally Rose told me the same thing; he said "Frank, when you go into the box you must tell the truth because you are in jeopardy". And that is what I am trying to achieve, sir, to the best of my ability.

Q. What are you doing now? What is your occupation?

A. What is my occupation?

Q. Yes.

A. I am a witness at the Crime Commission.

Q. Oh, quit playing games with me.

A. I'm not. That is my occupation, sir.

Q. What is your occupation?

A. I am unemployed.

Q. What are you living on?

A. I am not living. I have kids that help me. I have a son working. I have a daughter working. And that is what I am living on.

Q. You, I thought, said you hadn't spoken to any one of your four sons ---

A. Sir ---

Q. Since ---

A. You seem to be a little mixed up. Do I have to speak to my sons to have them give money to their mother? I don't have to talk to them.

Q. Are they supporting you too?

A. To the best of their ability, sir.

Q. And you have a daughter. Does she live at home?

A. I have three daughters and four sons, sir.

Q. Any of your daughters living at home?

A. Yes, sir, two of them.

Q. Any of them work for a drug firm, a pharmaceutical firm?

A. Yes, there are.

Q. What is the name of that firm?

A. John Wyatt's, I believe.

Q. Now, at the beginning of your evidence the Commissioner asked you about your

call to Winnipeg. How did you know that your former partner was in Winnipeg?

A. I already explained that to the Commissioner.

Q. Please explain it to me.

A. Well, I told the Commissioner that when it came out in the paper about the Royal Commission was coming up, we had been in the gambling business, we had been in the gambling business in a big way -- you asked me ---

Q. Please answer my question. How did you know he was in Winnipeg?

A. I didn't know. I am trying to explain to you how I knew. I came to a point where I wanted to search, to find out where Leo was, to get ahold of him, to tell him that the Royal Commission was going to sit. So now I went to his former associates in Windsor and they ---

Q. What former associates?

A. I went to people that he knew around the town.

Q. Who did you go to?

A. I went to a guy by the name of "Crud" Pelletier.

Q. What is his first name?

A. Pelletier. Oh, I don't know his first name. I'm sorry; they call him "Crud", sir.

call to warrant. How did you know that your

[illegible] was in danger?

A. I actually [illegible] [illegible]

[illegible]

Q. Please explain it to us.

A. Well, I told the Commissioner

[illegible] [illegible] [illegible] the

Royal Commission was coming up, we had been

in the quarrying business, we had been in the

[illegible] [illegible] [illegible] [illegible]

[illegible]

Q. Please answer my question.

How did you know to use in Winnipeg?

A. I don't know. I'm trying

to explain to you how I know. I came up with points

where I wanted to remark, to find out where I was

was, to get hold of him, to tell him that

the Royal Commission was going to sit. So now

I want to use former associations in Windsor

[illegible] [illegible]

Q. What former associations?

A. I went to people that he knew

[illegible] [illegible]

Q. Who did you go to?

A. I went to a guy by the name of

"Red" [illegible]

Q. What is his [illegible] name?

A. Politics. No, I don't know his

first name. I'm sorry [illegible] [illegible]

[illegible]

Q. Where does he live?

A. He lives on, I think, Turner Road, sir.

Q. Well, you must know; you went to see him?

A. No, I don't know. I met him on the street. I said to him, "Do you know where Leo is?" And I met other people on the street and I said "Where do you think Finnegan is?" Then I went and inquired about the car that he was trying to manufacture and they told me that he had gone to Winnipeg with some chap working for a gas company and that he was putting in burners for gas stoves.

Q. Now, who told you this?

A. Somebody connected with the gas company or with the car. I'm not sure who it was. I'm not sure. I couldn't tell you because I asked so many people where Leo was. And then I believe there was an article in the Star that after the car had failed in Windsor, I think the Windsor Star printed a statement at one time that they had moved the operation and they were going to try to re-manufacture the car in Winnipeg. I believe this is correct. So I got on the telephone and I asked the long distance operator did they have a Leo Brian Finnegan in Winnipeg. From the day Leo got out of jail to the day I got out of jail there had been no contact between

Q. Where did you get out?

A. We lived on I Street, Pioneer Boulevard, etc.

Q. Well, you went home and went to your hotel?

A. No, I didn't know. I met him on the street. I said to him, "Do you know where Jim is?" and I was walking along the street and I said "Where do you think Jimmy is?" Then I went and inquired about the car that he was trying to manufacture and they told me that he had gone to Huntington with some chap working for a gas company and that he was putting in burners for gas stoves.

Q. Now, who told you that?

A. Someone connected with the gas company in with the car. I'm not sure who it was. I'm not sure. I couldn't tell you because I asked so many people where Jim was. And then I believe there was an article in the Times, that after the car had failed in Washoe, I think the Washoe Star printed a statement to the effect that they had moved the operations and they were going to try to manufacture the car in Huntington. I believe this is correct. So I got on the telephone and I asked the long distance operator and they have a San Dylan telephone in Huntington. The day he got out of jail or the day I got out

us. So the operator found out a Leo Brian Finnegan in some suburb of Winnipeg, and that was the call I made, sir.

Q. All right. When was that call made?

A. That must have been two months ago.

Q. What was your conversation?

A. "Leo, do you know the Crime Commission is going to sit and don't you think we should have a talk, that the thing is a terrible bad thing and it is an awful thing".

Q. What is a terrible thing?

A. The Crime Commission.

Q. What was bad about it?

A. It was bad as far as we were concerned because we might become involved in it.

Q. Well, you were out of the business, you said?

A. Of course I was but still a Crime Commission has the powers to dig back into a business, such as they are doing now, and I am caught up in it, so my supposition wasn't wrong.

Q. What were you suggesting you talk about then?

A. What was I suggesting we talk about? I says, "Leo, we better get together and

ans. So the governor lived and I had been flimsyed in some surely or something, and that was the call I made, sir.

Q. Did Tudor, when was that call made?

A. That must have been two months ago.

Q. That was just conversation?

Q. Did you know the Cadman connection in going to Sit and Don's you knew -- should have -- with, then the living in a business had dying and it is an Adam Dwight?

Q. Does is a business entity?

A. The Cline Commercial.

Q. What was had about 3?

A. It was had so far as we were concerned because we might become involved in it.

Q. Well, you were out of the business, you mean?

A. Of course I was for sell.

Q. Mr. Gardner I was for sell. Cline Investment Co. was going to sell land in a business, which we knew are doing now, and I am caught up in it. So my supposition wasn't wrong?

Q. What were you suggesting you call Donald Brown?

A. That was I suggesting we call Donald Brown.

have a talk".

Q. What did he say?

A. And he said to me, "Well, why don't you write me a letter sometime?"

Q. And did you?

A. No.

Q. No letters at all passed between you?

A. No. He wrote me a letter, sir.

Q. Where is that letter?

A. Oh, I don't know.

Q. Where is that letter?

A. Where are letters? It is destroyed months - weeks ago.

Q. Why would you destroy it?

A. Why not? Do you keep all your correspondence?

Q. I certainly do.

A. Well, I don't.

Q. Did you destroy it deliberately?

A. Of course not. It was a very friendly letter. He told me his son had returned from the Congo, he had been a soldier over there in the Congo, he told me one of his boys had married, was expecting a baby, and was living somewhere in the north and that Helen wasn't feeling too good, and I think that was the extent of the letter.

Q. Nothing about the Crime Commission?

have a case".

Q. What did he say?

A. And he paid to me, "Well,

my dad's (illegible) in a Yellow Jacket"

Q. And did you

A. No.

Q. Do lawyers at all jumped forward

you?

A. No, (illegible)

also.

Q. Where is Blue Lantern?

A. Oh, I don't know.

Q. Where is Blue Lantern?

A. Where are lawyers? Is is

(illegible) is some (illegible)

Q. Why would (illegible)?

A. Why (illegible) (illegible)

(illegible)

A. I (illegible) do.

A. Yeah, I don't.

Q. Did you destroy as (illegible)?

A. (illegible) (illegible) (illegible) (illegible)

fraudulently induced. He told me that that had returned from this (illegible), he had been a soldier over there in the (illegible). He told me one of his boys had wounded, was expecting a baby, and was trying (illegible) in the (illegible) and that (illegible) (illegible) was given, and I (illegible) that was the (illegible) of the (illegible).

Q. (illegible) (illegible) (illegible)

A. Not a word.

Q. And this is the only correspondence you have had with him since you got out of jail?

A. No, sir, that is not correct.

Q. What is the other correspondence?

A. You haven't asked me; I never had any correspondence but I had a conversation with him. Leo ——

Q. I am talking about correspondence now. Just let's stick to one subject at a time.

A. I told you there was only one letter. I have only received one letter from Leo.

Q. That came after you had this telephone conversation?

A. That's right, and I told you what it was.

Q. Did you have more than one telephone conversation with him?

A. Two.

Q. And when was the second one? More recently?

A. About four weeks ago, I would imagine.

Q. Since we have started sitting?

A. No.

Q. Who put this call through?

A. I did, sir.

A. Not a word.

Q. Do you do any accounting work?

A. No, sir. Other than what you just did at lunch.

Q. What is this other accounting work?

A. The lawyer's asking me I asked my accountant with him. Then --

Q. I am asking about accounting.

A. Just let's stick to one subject at a time.

Q. Is this your first time ever testifying in a lawsuit -- I have only examined you earlier.

A. Yes.

Q. Have you ever testified in any kind of a deposition before?

A. Yes, I said you asked that a lot.

Q. And you have never been cross-examined before?

A. Yes.

Q. And when was the last time?

A. About four years ago. I would have to look it up.

Q. Was it some kind of a criminal case?

A. No.

Q. Was you a civil defendant?

Q. At whose expense?

A. At my expense.

Q. What was the purpose of this second call?

A. He had left Winnipeg. He told me that he was going into a mining deal somewhere up in the far north where he was. Now, I forgot to tell you in this letter he had sent to me he told me, he said, "If you can raise some money, Frank, you might be able to become interested in this mining deal". So my second call was about the mining deal and to find out if he had returned to Winnipeg because he was thinking of establishing a mining company and going up to the far north to do surface mining, I believe was his term.

Q. Did he answer the phone that time? Did you talk to him?

A. Oh yes.

Q. Nothing about the Royal Commission?

A. No.

Q. Not a word?

A. No, sir.

Q. Where was this mine; what Province?

A. Somewhere in the far north. I don't know where it was. But ---

Q. Well now ---

Q. Do whom engaged?

A. Mr. Ng engaged.

Q. What was the purpose of that meeting call?

A. He had lost money. He told me that he was going into a mining deal member up in the far north where he was. Now, I forgot to tell you in this letter he had need to see me said me. He said, "If you can raise some money, Frank, you might be able to become interested in this mining deal". So my second call was about the mining deal and he came out if we had returned to Winnipeg business in the electrical-electricity mining company and going up to the far north to do a serious mining. I believe was the reason.

Q. Did he answer the phone that time? Did you talk to him?

A. Yes, sir.

Q. Including phone the Royal Investigation?

A. Yes.

Q. Did a call?

A. Yes, sir.

Q. Phone was here after when

Trial Court:

A. Remember at the time, I don't know where it was. And —

Q. Yes.

A. If you would let me explain this. He told me that him and his two sons were going in the mining business. It would be maybe a good thing for me if I could raise the money to come in with him, that we might be able to get on our feet.

Q. What was the substance of this later telephone conversation?

A. I phoned there hoping that he was back in Winnipeg because he had left, sir.

Q. He was back?

A. He was back. So I says to him, "When are you leaving for the north country, Leo?" And he said, "Around April 1st". So I said, "Well, Leo, there might be a possibility that I might be called" — and I just said this out of the clear blue — "that I might be called before the Crime Commission, so there would be no point in you waiting for me to join you up there" because I wasn't going to run away; I had nothing to run away from.

THE COMMISSIONER: Q. Where were you living when you called him?

A. At my home.

Q. Where were you immediately before the subpoena was served on you?

A. I went across to Detroit, sir.

Q. If you would let us explain this.

We told us that him and his two sons were going to the mining department. It would be maybe a good thing for us if I could return the money to come in with him, that we might be able to get on our feet.

Q. What was the circumstances of this man's coming to Canada?

A. I planned there hoping that he was back in Hungary because he had left.

Q. He was broke?

A. He was broke. So I says to him, "When are you leaving for the western country." And he said, "Around April 1st". So I said, "Well, Leo, there might be a possibility that I might be called" — and I just said this out of the clear blue — "that I hope he calls before the Julian commission; so there would be no point in you waiting for me to join you up there" because I wasn't going to run away; I had nothing to run away from.

The COMMISSIONER: Q. Where was you living when you called him?

A. At my home.

Q. Where was you immediately before the telegram was started to you?

A. I went across to Saurich.

Q. How long had you been there?

A. I went there on a Friday afternoon and returned on a Saturday afternoon. I went there on a Friday noon and returned on a Saturday afternoon.

Q. Did you go there one day and return the next?

A. Yes, sir.

Q. Are you sure of that?

A. I am positive, sir. I left on Friday and returned on Saturday.

Q. The next day?

A. Yes, sir.

THE COMMISSIONER: We will take ten minutes.

---A Short Recess.

---On resuming after recess.

MR MACKINNON: Q. Witness, you realize you are still under oath?

A. Again I want to ask for the protection of the Canada Evidence Act.

Q. You do realize you are still under oath?

A. Of course.

Q. When did you first meet

Q. How long had you been Sheriff?

A. I went there on a Friday afternoon and returned on a Saturday afternoon.

I went there on a Friday noon and returned on a Saturday afternoon.

Q. Did you go home on the 2nd that morning but?

A. Yes, sir.

Q. Did you know of that?

A. I am positive, sir. I left on Friday and returned on Saturday.

Q. Two week days?

A. Yes, sir.

Q. Do you know of any other reason why you were absent?

A. Yes, sir.

Q. What?

A. I was subpoenaed to appear here.

Q. Immediately after crossing?

MR MACDONALD: Q. Witness, you realize you are still under oath?

A. Again I wish to ask for the protection of the Canada Evidence Act.

Q. You do realize you are still under oath?

A. Of course.

Q. When did you first meet

McDermott?

A. Oh, maybe fifteen years ago, sir.

Q. What were the circumstances of that meeting?

A. I think the first time I ever met Joe McDermott was in some blind pig during a race meet at Crystal Beach.

Q. Did you borrow money from him on that occasion?

A. At that time he didn't have any money, sir.

Q. When did you begin to get friendly with him?

A. Well, I was friendly up to a point all through those years.

Q. When did this rather intimate relationship start? When you started borrowing money from him, as you tell us?

A. I came crying into Toronto, I needed money, I wanted money ---

Q. When?

A. I don't know. You are asking me but I am trying to pinpoint it in my own mind.

THE COMMISSIONER: Q. Well, all right, pinpoint it.

A. Pardon me, sir?

Q. Pinpoint it.

A. I don't know the exact date. When I first started borrowing from Joe might have been in '51 or '50.

MR MACKINNON: Q. You knew him well enough by then to start borrowing money from him?

A. Yes.

Q. When did you first meet Pete Feeley?

A. I met him with Joe during those years.

Q. He and Joe were in partnership then, were they?

A. To the best of my knowledge, yes sir.

Q. Did you ever attend the Centre Road Veterans Club, whether under that name or any other name?

A. I think — are you referring, sir, to the time our club was operating or the whole time?

Q. Any time?

A. I think I have been in the Centre Road Club three times.

Q. All right. When was your first visit?

A. It might have been in '51, it might have been in '52, it could have been in '53. I cannot tell you.

Q. Then when was your last visit

to that club?

A. I don't think I have been there for five years. I don't think so.

Q. 1957?

A. Somewhere in there, I think, yes.

Q. Did you go there at the invitation of Feeley and McDermott?

A. I went there to gamble.

Q. Did you go there at the invitation of Feeley and McDermott?

A. No, sir; I went there to gamble.

Q. And you were recognized by them, you had no difficulty getting in?

A. Well, I was a gambling operator and one of the outside men recognized me as Frank Gardner.

Q. How would the outside man recognize you?

A. Because everybody in the gambling business knows one another. If you are running an operation as big as the Windsor Club with the publicity we had there and the amount of turmoil that we had because of the Provincial Police, you had to be known.

Q. Does the publicity mean you were getting your pictures regularly in the papers?

A. Regular.

Q. In the Toronto papers?

A. The Toronto papers and the Windsor papers.

Q. So the look-out would recognize you from those pictures?

A. Yes. I think one time I phoned out there to ask the steward if I could come out.

Q. Who was the steward?

A. I don't know.

Q. Didyou know Midgley?

A. Ernie Midgley?

Q. Yes.

A. I met Midgley in that club, sir.

Q. When?

A. On one of those occasions. I know he is a gambler. That is all I know.

Q. Who introduced him to you?

A. He was working on the table as a clerk.

Q. There was a bank crap game going on?

A. Yes, sir.

Q. And did you know Riggs?

A. I never knew Jackie Riggs very well. They tell me at one time that he might have known me back in 1941 when he was first -- this is hearsay -- that he might have

known me in 1941 or '42 but I was never too friendly with Jackie and I don't know too much about him.

Q. Well, did you ever meet him?

A. I told you I met him, sir, at the club.

Q. You met him at the club?

A. Yes, sir.

Q. What was he doing at the club?

A. He was sitting at the pool table.

Q. Was he one of the bankers or did ---

A. I don't know, sir. I thought he was a clerk.

Q. Working for the club?

A. Well, he was handling the stick with the dice. He was the croupier, so I thought he was part of that gambling set-up.

Q. Did you ever have any discussion as to who were part of that gambling set-up with either McDermott or Feeley?

A. I wasn't ---

Q. Did you ever have any such discussion?

A. I never did and never at any time was interested.

Q. So this is just your assumption

known as an Jell or "J" but I was never too familiar with Jerry and I don't know the exact time.

Q. Well, did you ever meet Jerry?

A. I think you I met Jim, Jr., the time clerk.

Q. Why was Jim at the plant?

A. Yes, sir.

Q. What was he doing at the plant?

A. He was sitting at the pool table.

Q. Was he one of the barkers or did ——

A. I don't know, sir. I thought he was a clerk.

Q. Working for the club?

A. Well, he was handling the money with the dice. He was the cashier, so I thought he had part in that gambling operation.

Q. Did you ever know any discussion as to who were part of that gambling enterprise?

A. I wasn't ——

Q. Did you ever have any such discussion?

A. I never did and never at any time was interested.

Q. Do this in just your conversation

from what you saw when you were there, that Midgley and Riggs were working for this set-up, as you put it?

A. Yes, sir.

Q. Anyone else working there?

A. Not that I could tell you off-hand.

Q. How about George Reid?

A. Is he the guy -- I have to ask you a question now -- was he the chap who worked in the kitchen?

Q. I am asking you.

A. I don't know. I didn't know the help there. I wasn't that familiar with them.

Q. Did Midgley ever attend at your club?

A. Did Midgley? Was he ever at our club? Not to my knowledge, sir.

Q. You knew him to see him?

A. I knew Ernie Midgley to see him.

Q. How about Riggs?

A. No.

Q. He was never at your club?

A. No, sir.

Q. And you have told us that Jack Brown was at your club?

A. Yes, sir.

Q. But you have also told us that

you don't know what his past history was?

A. I didn't say that, sir. I did know that there had been a shooting in Cleveland where he had shot a gambler, that he had worked in all the big clubs around Detroit.

Q. You knew he had worked for the Centre Road Veterans Club, didn't you?

A. No, sir, I didn't.

THE COMMISSIONER: Who is this you are talking about now?

MR MACKINNON: Jack Brown.

(Page 1940 follows)

THE WITNESS: No, I did not. I did not know. Now I have to answer that he could have at some time or other, I don't know. He worked in gambling houses from one end of the country to the other.

Q Did you just recognize him by seeing him when he applied for a job?

A He used to deal to me in Detroit.

THE COMMISSIONER: He used to -- what?

A Deal to me as a croupier on a card table.

MR MacKINNON: Q. Where was his residence before he came to you?

A I think London, Ontario.

Q Was he operating a gaming house there?

THE COMMISSIONER: This man's name is what again?

MR MacKINNON: Jack Brown.

A Was he operating in London? Not to my knowledge. I don't know of any bank games they had around London, and he would have to work, with the type of experience he had and his ability he would work in a rather fair-sized club, because he was a capable man.

Q McDermott came down to the Roseland Club, did he not, from time to time?

A From time to time he has been there, sir.

Q And he was there when Jack Brown was there, wasn't he?

A Not to my knowledge.

I don't ever remember McDermott being there when Brown was there.

Q When was Brown there?

A I couldn't tell you. We changed help so many times: the guys were coming in and going to Los Vegas to work in different spots.

Q Wasn't he there for a considerable period of time?

A No, a very short time.

Q He wasn't there for more than a couple of months?

A He might have been there for a couple of months or something.

Q Could he have been there for a year?

A No.

Q You are swearing to this?

A Yes sir.

Q I suggest to you that Brown was McDermott's man in your club; isn't that a fact?

A No sir.

Q You deny that?

A Yes.

Q And you never discussed him with McDermott or Feeley?

A Not in any way, shape or form.

Q Now we have heard evidence here that when your club was closed up it caused a capital loss to the operators of some $25[illegible],000. Would that be a fair figure?

A Sir, when you -- this is what I read, either in last night's newspaper or -------

Q Do not worry about where you read it.

A Well, I have got to explain things to you, because I have no knowledge of a capital loss of $250,000. That place from 1933 to 1938 lost so much money that it would fill a lake.

Q I am talking about the building and the equipment there.

A No, there wasn't that much. I would say the building was worth $20,000. I think Lee paid $20,000 or $25,000, and I think the furnishings, including air-conditioning, could have been bought for $5,000.

Q Didn't you have some correspondence with Peter Feeley or Vince Feeley about the gambling equipment?

A At one time I didn't have no money and I needed to -- we had been raided and I was afraid that the markings on the tablecloths would tip off our operation, so I needed tablecloths. I had no money so I asked Pete to send me down a couple of tablecloths.

Q Why were you asking Pete Feeley to send you a couple of table cloths?

A Because he bought the tablecloths here and they were $56 apiece, and in Detroit they would cost $100 and you would have to pay duty on them; so I asked Pete to get me a couple cheap. I think at that time we were changing the tablecloths every week.

Q Did you pay for these tablecloths?

A Did I pay for them?

Q Did you pay for these tablecloths?

A Well, I cannot remember now. I probably didn't.

Q I thought your credit wasn't any good with Pete Feeley?

A Not worth a nickel.

Q Then why was he making this gift to you?

A The matter of $112 in tablecloths was a very small matter in regards to the money I was trying to borrow from him.

Q Do you know where that correspondence is?

A No, I haven't the vaguest idea.

Q You do admit that there was correspondence on it?

A Pete only ever wrote me one letter in his life.

Q Did you get any other money from Feeley?

A No, I did not.

Q You are swearing to that, are you?

A Yes sir, to thebest of my knowledge I don't think Pete ever gave me any money outside of that I asked him to send me down the two tablecloths and bit him for the $112.

Q Well, were you aware, was it common knowledge as between you and McDermott that the money he was advancing to you was apparently Feeley's money?

A He never discussed that with me in any

way, shape or form, and I don't believe that Joe could have given --- knowing Pete as well as I do I don't believe he could have give away to me, as a known loser and a high-flyer - that he could have given any of Feeley's money to me.

Q What I would like to know is: why was Mehermott so generous to you?

A Because he is a very odd guy, and I had him on a merry-go-round.

Q What kind of a merry-go-round?

A Borrowing his money. He was always hoping I would pay him back.

Q And may I suggest to you that it could have reached the sum of $100,000 at one stage?

A No, I don't know whether it reached that sum.

Q Couldn't it have reached that amount?

A No sir, it could not have reached that amount. It couldn't have reached -- no, I know it couldn't have reached that amount of money. He couldn't have advanced me that kind of money.

Q Pretty close to it?

A No, not even pretty close to it.

Q How much? You spoke of $30,000 to the Commissioner.

A No, I told the Commissioner there, I said myself that the figure was somewhere in there.

Q That you now say owe him, but I am talking nowabout the time when the debt, as you have described it, reached its height.

A Well, about that. It couldn't have been any more than that, because I was borrowing $500 or $1,000 at a time.

Q You owe him as much now as you ever owed him; is that your position?

A I would say so.

Q But you did pay moneys back from time to time?

A I did pay money; if I got lucky I would give Joe his money back.

Q And did you pay it by coming to Toronto by aircraft?

A No.

Q Pardon?

A No.

Q How did you pay it back to him?

A I put it in an envelope and sent it to him.

Q Did you write a covering letter?

A Sometimes and sometimes I did not.

Q So you did write some letters to McDermott?

A Yes, I may have wrote letters to him. I may have said: "How are things going".

THE CONSTABLE: You might have, but did you?

A I probably said: "How are things going?"

Q But you did write some letters?

A Yes, probably two or three letters.

Q How did you send the money, by cheque?

A No, I just put the money in an envelope and dropped it in the mailbox. It was never too much.

Q How big was it?

A I would put two pieces of cardboard or some ----

Q How much was it?

A A couple of hundred dollars I put in there.

MR MacKINNON: Q. I suggest to you it was considerably more than a couple of hundred dollars. Now your memory isn't that bad. You know the difference between 200 and 2,000?

A Yes sir, I do.

Q I suggest to you it was closer to $2,000 on occasion?

A Never in my life did I ever give McDermott $2,000 back at one time.

Q In any shape or form?

A In any way, shape or form.

Q Did he ever take any money of that amount when he was at the club?

A No. That was the times he would come flying down there to see why I wasn't paying him so much.

Q By "flying down" do you mean coming down by aircraft?

A No, I mean just coming down there on the rare and tear.

Q Did you ever fly in his aircraft?

A Oh no, I have no knowledge of that

A. No, I just put the money in an envelope and mailed it in the collection. It was never too much.

Q. How did you 1st?

A. I would put the phone at midnight or some [illegible]

Q. How much was 1st?

A. I would be behind bottom I can 1st [illegible]

[illegible] Q. I suppose by now you [illegible] [illegible] Mr. Jack Ruby's club had. Did [illegible] difference between $50 and $1,000?

A. The only I [illegible]

Q. I suppose at you 1st [illegible] $1,000 on [illegible]?

A. Never in my life did I ever give [illegible] $1,000 bill at one time.

Q. In any change or [illegible]

A. In any change, dollar or [illegible].

Q. Did he ever take any money at [illegible] when he was in the [illegible]

A. No. Then was the time he would come [illegible] down there to see if I wasn't getting rid of [illegible].

Q. By "fighting down" do you mean reading down by alphabet?

A. No, I mean just looking down there on the [illegible] and [illegible].

Q. Did you ever fly in the airplane?

A. No, I have no knowledge of that.

operation at all.

THE COMMISSIONER: Well, it has been a long day. If you gentlemen have no objection, I think we will adjourn now until tomorrow morning at ten o'clock. You will be here tomorrow morning at ten o'clock.

A Yes sir.

Q Now you know you are not to talk to anyone.

A No, you have my word.

Q You understand that?

A Can I call my wife? She is worried about me, and I could call my wife, that is the only thing I would like to do. I will call her, and if you want to have an officer with me when I place the call, Mr Commissioner -- I will tell you what I done. He asked me about phone calls. The nights I have stayed at the Royal York (sic) I have got the special operator there at the Lord Simcoe and told her not to put any calls through to my room. I don't want anybody calling me; I don't want to discuss anything with anybody. The only thing I wanted was to talk to an attorney to come here to give me counsel.

Q You are not to talk to any attorney either.

A No, I understand that.

Q You are not to talk to anybody.

A But I would like to talk to my wife if you will permit it.

opposition to it.

Mr. Sheridan: Well, I'm that lucky a lucky man. If you gentlemen have no objections, I think we will adjourn our social conference meeting of the afternoon. The bill is here prepared and in my pocket.

A. Yes sir.

A. The ayes have it, and the motion is carried.

[illegible]

A. Why, and have my bail?

A. The Sheriff's [illegible]

A. Yes I call my sister. She is married and, and I would call on Miss, that is the only thing I would like to do. I will call her, and if you care to have an officer with me where I please to call, or somebody else -- I will call just what I come. He agreed to close [illegible] calls. The reason I have arrived at the Royal York (also) I have got the private [illegible] if he [illegible] call her not to put my calls through to my room. I don't want anybody calling me; I don't want to [illegible] anything right [illegible]. The only thing I wanted was to talk to an attorney to see how to give in [illegible].

A. You are not to talk to any attorney yet.

A. No, I understand that.

A. You are not to talk to anybody.

A. Yes I would like to talk to my wife if you will permit it.

Q All right, what time do you want to talk to her?

A I would like to call her when the rates are low, after six o'clock.

Q Well, perhaps ——

A Or I will call her now, but that would be more convenient.

MR MacKINNON: Just before we adjourn, may I ask - there has been some further information here — about these calls. Perhaps I might just ask a couple of questions while we have him in the box.

A Yes sir.

Q Did Humphry call you or you call him?

A I think I called him.

Q Are you swearing to this?

A No, I am not sure. Are you referring to last night?

Q I am referring to last night. It is not too far away.

A Yes, I called Humphry and asked him to have Wally Rose contact me.

Q Where did you call him from?

A Well, I never left — I went right to the Lord Simcoe Hotel and stayed there all night. The only thing I done was walked up the street at 11 o'clock to have a bite to eat, and I stopped in the King George to have a cup of coffee and that was my night.

Q You must have made some arrangement to meet these two men.

A I called Humphry to tell Wally Rose to get in touch with me and we would have a drink in the Lord Simcoe Hotel.

Q Did Wally Rose call you?

A No.

Q How did you know where you would meet?

A I told him I would meet him in the lobby at the Hotel.

Q What was your room number,

A 510.

Q I repeat again, and I want you to think about this very carefully now ----

A Yes sir.

Q Did you make the call to Humphry or did he call you?

A Well, I called him, because he would have no way of calling me. I called him on a pay phone. I didn't call from my room.

Q You called him on a pay phone,

A Yes. I didn't call him from my room.

Q Why didn't you call him from your room?

A I have already told the Commissioner that when I checked into the hotel I told the operator there I didn't want to receive any calls from anybody.

Q This is not receiving a call; this is making a call.

A Well, I didn't want to make any calls from my room.

Q Why?

THE COMMISSIONER: Why?

A Because I would have to go through a switchboard. Now the Commissioner here has just told me that I must not talk to anybody so how could I talk to anybody? I had to know what I was doing.

MR MACKINNON: Q. Mr Gardiner, you did not want it to go through the switchboard because you were afraid somebody would hear what you were going to say?

A That is not right. I have just told the Commissioner here that I will make a call and he can have a police officer there.

Q I am not talking about tonight.

A Those other calls were exactly the same way.

THE COMMISSIONER: Just a moment. You called Murphy last night from a pay phone?

A Right.

Q Why didn't you call him from your room?

A Because I happened to be in the lobby at the time and I just walked to the pay phone and said -- here is what happened: some young man told me here last night that I was going to be called to a hearing. I did not expect. I had been sitting here two days and never knew what was going on. So I went to the lobby of that hotel and I got on the phone to Dave Murphy and said: "Do you know where I could get hold of Wally Hoes?" He said: "I will try and locate him for you, Frank." I said: "Well, will you tell him to meet me in the lobby of the hotel

at 7 o'clock?" and that is exactly what happened.

MR MacINNES: Q. And did you meet in the lobby at 7 o'clock?

A 7 o'clock sharp.

Q You were with these two gentlemen then for four hours?

A What two people?

Q Humphry and Rose?

A No, I told you I was with them at different times. I met Mr Humphry ——

Q Did you meet Mr Humphry?

A No, you are getting me a little confused. I met Mr Rose at 7 o'clock. He was with some people in the hotel, they were having dinner, and he left at approximately a quarter to eight.

Q Are you telling me you were not with the two men at the same time last night?

A Just one.

Q You were only with one man?

A One man.

Q At eleven o'clock last night?

A At 11 o'clock? I wasn't with Rose at 11 o'clock.

Q Were you with two men?

A No, I was with one man.

Q Are you swearing to that?

A I am swearing to that on a solemn oath.

Q There is a Police Constable here, or two Police Constables, who saw you with two men last night on King Street.

A You are being in the Police Constables. I never left the Lord Simcoe Hotel with the exception of walking up the street at 11 o'clock and going into a place and having a sandwich and walking right back to the hotel. In fact, I was in bed a little after 11 o'clock.

Q Were you alone?

A No, with one man, Chiaderi. He went out and had a bite to eat with me.

Q How did you get in touch with him?

A He came to the hotel. He heard I was there from my wife.

Q How did your wife tell him?

A She called him.

Q Why would she call him?

A He was coming to Toronto. He is not a Toronto man; he is a Windsor man.

Q When did she call him?

A Monday or Sunday she called him and said: "Frank is in Toronto; if you go by there he is in Room 510." I have been calling my wife every night. She said: "If you are there drop in and see him." Now the guy came in to see me later in the evening. I might have gone to bed at ten o'clock last night, and then I got up and said "Let's go out and have something to eat", so we went out to eat spaghetti and I went back to bed.

THE CONSTABLE: Where did you go?

A Just past the King George Hotel. The woman -- I had a lot of conversation with the

waitress there and she will remember me. She is a Dutch girl and she served me. She served this Chisderi and I; she served us spaghetti and meat balls. We walked right from the Lord Simcoe Hotel to this little restaurant; it is just past the King George on the same side of the street, and I am very sure the lady would remember me and who I was with.

MR MacKINNON: And you were not on the street at twenty minutes after 12 last night?

A At twenty minutes after 12?

Q That is right.

A We come out of there at twenty minutes after 12 ——

Q At twenty minutes after 12; I am giving you a precise time.

A We come out and I met a guy who was walking down to the Lord Simcoe Hotel, by the name of Pierce, who is a stockbroker.

Q So you were with someone else?

A I wasn't with him. He was just walking to the hotel with me.

Q You understand my question. Now quit being evasive.

A I am not being evasive.

Q How did you know him?

A I met him in Florida.

Q So it was someone you knew?

A Yes. He was walking up the street and I said to him: "Is that you Pierce?" and he said "Yes", so we walked up to the hotel together

but I wasn't there to seek him.

Q But there were two of you walking together?

A There was Tony, Pierce and myself, but Pierce wasn't in our party. When we saw Pierce we had finished dining. It was just like you might come out of the hotel and I am coming along ----

Q So you were not in bed shortly after eleven?

A I was in bed prior to that. I am a diabetic; I have got to have food when the insulin hits me, so this Thinderi was sitting there talking to me, so I said: "Let's go down and eat something". There aren't too many restaurants open at that time of night, so we walked up to this Royal or Crown Cafe, I think it is, and we sat in there and we ordered spaghetti and veal balls. I talked with this Dutch woman and she told me where she was from -----

Q All right, never mind that.

A So we come out and as we are walking along here is Pierce walking along to the hotel.

Q What is his first name?

A I don't know.

Q Is he in the Toronto Stock Market?

A He is -- I will tell you, he is in the hotel now. He is in the hotel and I think he is on the same floor I am. The only occasion I ever met this man was I met him on the dog track in Miami, Florida.

Q You mining was a stockbroker, didn't you?

A I said he had some connection with the stock market.

Q In Toronto?

A No, I think in Montreal.

Q Did you go into this Pierce's room at all?

A No, I did not, sir.

Q You made no calls from that room?

A No sir. I don't know the chap that well. What we done -- he asked about two hockey results and he went -- we rode up in the elevator together and he went to his room and I went to mine.

Q How do you spell that name?

A I have never wrote it. It could be P-i-e-r-c-e.

Q And you went to bed with this friend of yours in the room with you?

A Immediately and never got up until 9 o'clock this morning.

Q I thought you said you went to bed with your friend there?

A I told you that I went to bed early, and when he come up he sat talking to me, and I got an insulin reaction, because I am not eating as much as I generally do, and I got up and said: "Let's go and eat something".

Q I am advised that you said that this man's name was Tony Pierce; is that correct?

A No, I said Tony Chiadori. I don't

know Pierce's first name; all I call him is "Mr Pierce".

THE COMMISSIONER: What does he look like?

A He is a man about sixty-five or sixty-seven, very quiet, unassuming-looking man, gray hair, wearing very nondescript clothes, and he is something to do — he told me in Florida that he had something to do with the stock market. That is all I know.

Q When did you meet him in Florida, this winter?

A This winter, yes, or last year, last fall or this spring. I am not sure.

MR MacKINNON: Q. I am showing you a picture witness. Would that be a picture of the man?

A Of who?

Q The man you are telling us about that you met last night?

A No.

Q It is not?

A No. This man — you can send an officer with me and go right up to his room, and I will show him to you. He is registered at the Lord Simcoe Hotel and he is on the fifth floor, and his name is Pierce.

Q Well, we will go into that tomorrow.

A All right.

THE COMMISSIONER: Now you are not to talk to anybody.

A No sir, but I can call my wife?

Q Mr Hatch will be present when you call your wife.

A Well, I can call now.

THE COMMISSIONER: He wants to call his wife and he said he would be quite willing to do that in your presence. Would you arrange that with him?

MR SIMON: He can do it right here.

A I can reverse the call.

THE COMMISSIONER: All right, do it from this building. You are not to talk to anybody; now you understand that.

A Of course, sir.

Q And you will be here at ten o'clock in the morning and we will continue this hearing in camera.

A All right. Now if Mr Rose returns from Ottawa tomorrow I am allowed to have counsel, am I not?

Q Well, Mr Rose can be here; certainly he can be here if he wants to be here.

A You said I could not talk to anybody. Can I talk to him tomorrow morning?

Q No, you cannot talk to anybody between now and the time you come back into that witness box.

A All right, sir.

THE COMMISSIONER: Now something was said about this man getting out of the building. Can you make arrangements for that so that there will be no photographs taken?

MR LEWIN: If he wants, after the phone call we will have an officer escort him out of the door. We understand there are movie cameras downstairs at the front entrance.

THE COMMISSIONER: You would prefer not to have your picture taken?

A I could walk out with a book in front of me. I have done it before. I would rather not skulk out of the back door. I don't think if I have a newspaper they will take my picture.

Q I think perhaps you are too optimistic.

A Mr Commissioner, incidentally as regards Mr Pierce in the hotel, the only way he knows me is as a man he met in Florida. He doesn't know me as Gardiner or any other name. He was just a man I met at the dog track, but he will recognise me and he will recognize that episode of last night.

---Whereupon the hearing was adjourned at 4.53 p.m. to resume at 10.00 a.m. on Thursday April 5, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

Vol 11
Apr 16/62
Monday

Crime in Ontario

pp 2192 - 2417

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TORONTO

E R R A T U M

Page 928, line 11, substitute "trafficking" for "contravening".

INDEX TO WITNESSES

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INDEX OF EXHIBITS

No.	Page	Description
96	2208	O.P.P. Report dated 13th April, 1962, re Canadian Merchant Navy Veterans Assoc., Bertie Township, Lot 3, Concession 2, Niagara Falls. Being list of raids during 1955.
97	2212	O.P.P. Report dated 13th April, 1962, re Canadian Merchant Navy Veterans Assoc., being a list of raids for the years 1956 and 1957.
98	2221	Summary headed Frontier Veterans Assoc., 3 Thompson Road, Bertie Township, covering the period from July 29th, 1957 to June 26th, 1958.
99	2223	Summary of Provincial Police action against Ramsay Club, headed "Ramsay Club Bertie Township, 1693 Victoria Avenue, Niagara Falls, and 1648 Stanley Street, Niagara Falls.
100	2228	Report of raid dated 2nd September, 1958.
101	2238	Memorandum dated 4th July, 1958, for the District Inspector, Ontario Provincial Police, No. 8, DHQ, W.M. Gould Corporal, re alleged gambling in Peterborough and Smith Township.
102	2241	Nine page document headed "Re Ramsay Club, 1693 Victoria Avenue, Second Floor, Niagara Falls, Ontario, owner of Building James Sacco."
103	2253	Report of J. M. Anderson, dated August 12th, 1958, re Ramsay Club, 1693 Victoria Street, Second Floor, Niagara Falls, Ontario.

Cont'd.....

INDEX OF EXHIBITS (Cont'd)

No.	Page	Description
104	2256	Police diary of J. M. Anderson.
105A	2316	Confidential Report to the Commissioner of Police, dated Nov. 22, 1956, signed by W. J. Shrubb, and J. M. Anderson, underneath that.
105b	2316	Confidential Report to the Commissioner of Police, dated Nov. 23rd, 1956, signed by J. M. Anderson.
106	2368	1961 Police Diary.

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MONDAY, APRIL 16, 1962

---On resuming at 10 a.m.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: Yes sir?

THE COMMISSIONER: When we were last here, you appeared for a witness who gave evidence at a hearing in camera, and to whom you are now to refer to as Mr. "X".

MR. ROSE: Yes.

THE COMMISSIONER: And you were, and are now, his counsel?

MR. ROSE: That is correct, sir.

THE COMMISSIONER: And you told me on that occasion that you also represented Mr. Joseph MacDermott, and Mr. Vincent Feeley?

MR. ROSE: yes. I believe I told you, Mr. Commissioner, that I had a written retainer, from each one of the last two; and not Mr. "X".

THE COMMISSIONER: And Joseph McDermott and Vincent Feeley are under subpoena to give evidence here, when we are ready to hear them.

I think it perhaps proper at this stage to hear certain matters, and if I mis-state anyhting, you will correct me.

As counsel for "Mr. X" and for Joseph McDermott and Vincent Feeley, you asked whether or not I would allow you to examine or cross-examine them or any of them. That was one of your questions?

[illegible] resuming at 10 a.m.

THE COMMISSIONER: Mr. Scott

MR. SCOTT: The plaintiff

THE COMMISSIONER: Have we seen that [illegible]

[illegible] in a minute you gave evidence at a hearing in camera, and to whom you are now to refer to as Mr. "X".

MR. SCOTT: Yes.

THE COMMISSIONER: And you really, but now, his counsel?

MR. SCOTT: That is correct, sir.

THE COMMISSIONER: And you told me on that occasion that you also represented Mr. Trevor Mathieson, and Mr. Vincent [illegible]

MR. SCOTT: Yes. I believe I told you, Mr. Commissioner, that I had a written retainer, from each one of the last two: and not Mr. "X".

THE COMMISSIONER: And Joseph Mathieson and Vincent Pooley are under subpoena to give evidence here, when we are ready to hear them.

I think it perhaps proper at this stage to hear certain matters, and if I rule-above anything, you will hear me.

As counsel for "Mr. X" and for Joseph Mathieson and Vincent Pooley, you plead whether or not I would allow you to examine or cross-examine them or any of them. That was one of

MR. ROSE: I believe, sir, any witness.

THE COMMISSIONER: No; I will come to that in good time. It was, whether I will allow you to examine them or any of them; and that was one of your questions, is that right?

MR. ROSE: I think, sir, that the questions that I asked you, sir, are those set out on page 2190.

THE COMMISSIONER: I just wanted to continue; you wanted permission to examine "Mr. X"?

MR. ROSE: Yes, sir.

THE COMMISSIONER: And examine Joseph McDermott and Vincent Feeley?

MR. ROSE: Yes, sir.

THE COMMISSIONER: Yes. I refuse to allow you to examine any. An having refused, if you have any questions that you think ought to be asked of them, you can tell counsel for the Commission what they are, and he may put them.

Next: you asked whether or not I would permit you to examine any other witnesses whom counsel for the Commission might call. Have I put it correctly?

MR. ROSE: I believe it was all-embracing sir; to examine or cross-examine witnesses in --

THE COMMISSIONER: I beg your pardon?

MR. ROSE: The question that I put to you was all-embracing. "Is counsel for Mr. "X" entitled to examine or cross-examine witnesses

MR. MOSS: I believe, sir, our witness.

THE COMMISSIONER: Mr. I will come to him in good time. In case, whether I will allow you to examine them or not of them; and that was one of your questions, is that right?

MR. MOSS: I mean, sir, that the question that I asked you, sir, are those not one on one sins.

THE COMMISSIONER: I just wanted to ensure: you wanted permission to examine Mr. X?

MR. MOSS: Yes, sir.

THE COMMISSIONER: Are [illegible] [illegible] Vilanoff [illegible]

MR. TUCKER: Yes, sir.

THE COMMISSIONER: Yes. I refuse to allow you to examine him. As matter referred, if you have any questions that you think ought to be asked of them, you can call evidence for the defendants when the [illegible] [illegible]

MOSS: You asked whether or not I would permit you to examine any other witnesses who [illegible] [illegible] [illegible] [illegible] [illegible]

MR. MOSS: I believe it was all-inclusive sir: to examine or cross-examine witnesses in --

THE COMMISSIONER: I beg your pardon

MR. MOSS: The question that I put to you was all-inclusive. My answer was the [illegible] [illegible] [illegible]

called by the instance of the counsel for the Commission? "

MR. COMMISSIONER: I have refused that. And the next request was whether, on behalf of any of these witnesses for whom you are counsel, you would be permitted to examine any witnesses at any time, called by counsel for the Commission?

MR. ROSE: Yes sir.

THE COMMISSIONER: Is that right?

MR. ROSE: Yes.

THE COMMISSIONER: My answer is; no.

And then you asked whether or not you might obtain a transcript of the evidence of Mr. "X" upon paying for it. Is that correct?

MR. ROSE: That is correct, sir.

THE COMMISSIONER: My answer is: no. Having made the answers, then you asked that I state a case for the opinion of the Court of Appeal, under Section 5 of the Public Enquiries Act. The questions that you suggested I should submit in the stated case are:

Is counsel for Mr. "X" a witness at this enquiry, entitled to call witnesses and examine in chief.

Two: Is counsel for Mr. "X" entitled to examine or cross-examine witnesses called by counsel for theCommission or by any other person?

Three: Is counsel for Mr. "X" entitled to obtain, upon payment, a transcript of the testimony of Mr. "X" given before this Commission?

called by the Judgment of his counsel for the defendant."

MR. CONDIMENTARY: I have referred that. And the very question was answer, on behalf of the defendants for whom you are counsel, you would be permitted to examine my witnesses in the same, called by counsel for the Commonwealth.

MR. MOOR: Yes sir.

THE CONDIMENTARY: Do have (sic)

MR. MOOR: Yes.

THE CONDIMENTARY: My answer is: no. Such time you called witness on behalf you might create a transcript of the evidence of Mr. "X" were testing I've it. Is that answer?

MR. MOOR: That is correct, sir.

THE CONDIMENTARY: My answer is: no. During such the testimony, then you could find [illegible] more a case for the opinion of the Court of Appeal, under Section 5 of the Public Prosecutions Act. The question that you propounded I should overall in the overall case was:

In counsel for Mr. "X" a witness as this country, holding no dual citizenship and resident in order.

That, is correct (to Mr. "X" [illegible] or another or some-certain witnesses called in counsel for the Commonwealth or by any other counsel.

Answer: In counsel for Mr. "X" entitled to obtain, upon request, a transcript of the testimony of Mr. "X" given before this Commonwealth

I suppose you want to add a fourth one: Will you, as counsel for Joseph McDermott and Vincent Feeley be permitted to examine or cross-examine any witnesses called by counsel for the Commission?

MR. ROSE: Yes. I am prepared to add that sir. I wonder, if in that question, I might go a step farther: I do not want to be in the position where anybody might think I am unduly trying to prolong the hearing of this Commission, by an unduly long or useless examination or cross-examination. My only thought is that I would like, on their behalf, to only cross-examine those witnesses on those points, or on that evidence which they gave which would be against the interests of my clients. I do not propose, nor ask to go into everything that a witness says, but to confine that cross-examination to any point, that if left unanswered, or left unexplained, or left unreconciled might well have an adverse effect upon my client.

Because the reason for this, sir, is as follows: as far as these hearings are concerned, Mr. Wilson evidently has a great mass of material and fact, some of it rumour, and some of it hearsay. And he has quite properly presented and is presenting to you all that evidence whether it be first-hand or third-hand evidence. He is presenting it to you.

Insofar as cross-examination is concerned,

I assume you wish to ask a further one:

Will you, in spite of Jewel testimony, let Vincent Healey be permitted to examine or cross-examine any witnesses called by counsel for the Commission?

Mr. Frank: Yes. I am prepared to do that also. I wonder, if the last question, I might be a trifle fatuous: I do not want to be in the position where people will say that I am merely trying to prolong the meeting of this Commission, by an unduly long or tedious examination or cross-examination. My only thought is that I would like, in fact, to only cross-examine those witnesses on those points, or on that evidence which they feel which would be relevant the interests of my client. I do not suppose, nor ask to go into everything that a witness says, but to confine that cross-examination to any point, then if left unanswered, or left unrelated, or left unexplained might lead to believe evidence that is misleading.

Commissioner Cohen for Smith, etc. is as follows: as far as those questions are concerned, Mr. Wilson evidently has a great mass of material and facts, some of it rumour, and some of it hearsay. And he has quite properly presented and is presenting to you all that evidence whether it be first-hand or third-hand evidence. He is presenting it to you.

Counsel for Smith-Cunningham is concerned,

it is being conducted, here on my left, by the representatives of two political parties, and I would say, on behalf of my clients, that the field that insofar as the cross-examination is concerned, it is not in the interests of those persons or in the interests of the people they represent, that any witness who gives evidence, naming another or saying another person has done something which appears to be wrong - it is not in their interests to try to show that it is right because they are representing the political parties.

Now, ~~mm~~ my clients then feel, sir, that under those circumstances, that their interests are best served, having regard to the fact that you sir, will be called upon to make a report at some time, and having regard to these facts, as my friend Mr. MacKinnon said to you last day, in respect of Mr. "X": " Now we have got him for perjury, and we are going to put him away for 14 years" and matters of that nature; and matters of that nature raises the apprehension in the minds of those persons who were called as witnesses that they are not being properly represented unless they have counsel, and who could ask certain quiestions that may put a different light on the evidence that is given. Because, sir --

THE COMMISSIONER: Those questions can be put through counsel for the Commission, upon

is in order wondering, that is to say, by the representatives of the political parties, and I think say, on behalf of an attorney like the field that therefore on the cross-examination it concerned, it is not in the interests of these persons or in the interests of the people they represent, that one witness has given evidence making another or saying another person has done something which appears to be wrong - it is not in their interests to try to show that it is what happened that the prosecuting the political parties.

Now, as an attorney then I'm, why that other people [illegible], that their interests are best served, having regard to the fact that you are, will be called upon to make a report at some time, and anyone wanted to have [illegible] as we [illegible]. Mr. [illegible] said to you that by in reference of Mr. "X": " Now we have got that far [illegible], and we are going to get the [illegible] for IA [illegible]" and matters of that nature; and matters of that nature raises the apprehension in the minds of these persons who were called as witnesses that they are not being properly represented unless they have counsel, and who would ask certain questions that may put a different light on the evidence that is given. Because, etc --

THE QUESTIONER: These questions can be and [illegible] for the Commission, and

your telling him what the questions ought to be.

MR. ROSE: Then, might I say, sir --

THE COMMISSIONER: I do not want you to make a speech, Mr. Rose!

MR. ROSE: I am trying to explain, because I do not think that last day we went into the whys and wherefores, and in my submission it is just a matter.

THE COMMISSIONER: I beg your pardon?

MR. ROSE: As I say, this is not a Court of Law. And I think, traditionally speaking, that any person who is a witness in this, while it is not a trial, at least not on the surface, and it is not a trial under the Public Inquiries Act it certainly is a trial as far as the press are concerned, and as far as the proceedings are reported. Everybody giving evidence here is under oath, and one can see what has happened to very fine people, whose names have been slurred without any recourse at that time. And that is why, I say in that fourth question, that I should like to confine that, so that I would not unduly prolong those hearings; and I would confine that to cross-examination in regard to those points in which my clients are mentioned; but not to the whole thing. And that is all I ask. And I have given you, sir, my reason for it: my clients are most apprehensive; most apprehensive of appearing before this Commission without being represented by counsel, and maybe these things

your [illegible] that the questions ought to be.

MR. ROWE: Then, might I say, sir —

THE COMMISSIONER: I do not want you to make a speech, Mr. Rowe!

MR. ROWE: I am trying to explain, because I do not think that day we went into the very and [illegible], and in my submission it is just a matter.

THE COMMISSIONER: I beg your pardon.

MR. ROWE: As I say, this is not a Court of Law. And I think, traditionally speaking, that the person who is a witness in this, while it is not a trial, at least not on the surface, and it is not a trial under the Public Inquiries Act it certainly is a trial as far as the press are concerned, and as far as the proceedings are reported. Everybody giving evidence here is under oath, and [illegible] is very [illegible] people, about whom [illegible] without any recourse at that time. And that is why, I say in that fourth question, that I would like to confine that, so that I would not unduly prolong these hearings; and I would confine that to cross-examination in regard to those points in which my clients are mentioned; but not to the whole thing. And that is all I say. And I have given you, sir, my reason for it: my clients are not represented; [illegible] of appearing before this Commission without being represented by counsel, and [illegible] those things

THE COMMISSIONER; They are entitled to have counsel here. And I am not going to allow counsel to examine people.

MR. ROSE: Aside from the motion for the Stated case, sir, would I be right in assuming that in respect to any witnesses, or witness who retains counsel, you are prepared to have that counsel here; but any questions that he wishes to be put to any witness regarding to his client, should be put to that witness through Mr. Wilson?

THE COMMISSIONER: That is right.

MR. ROSE: Well, my position then sir is this: that I frankly would have to be content with that, pending the decision or any decision on the Stated case.

THE COMMISSIONER: Well, I am declining to state a case.

MR. ROSE: In that case, I must speak, and I must be content pending any other proceeding that might take place, sir.

THE COMMISSIONER: If you want to have a Stated case, you will have to apply to the Court of Appeal for an order requiring you to do it. Requiring you to do so.

MR. ROSE: Yes sir. Now, there are two other matters that I should like to bring to your attention, sir, that are as a result of the In Camera hearings last Wednesday; I beg your pardon. It was on the sixth and seventh of April. That is, Wednesday and Thursday.

[illegible] CHAIRMAN: [illegible] [illegible] [illegible]

THE COMMISSIONER: The fourth and the fifth.

MR. ROSE: The fourth and the fifth. Mr. Wilson asked me, and obtained from my office, an affidavit concerning an offer, made --

THE COMMISSIONER: Now, now !

MR. ROSE: I beg your pardon!

THE COMMISSIONER: An affidavit.

MR. ROSE: An affidavit, sir, and I would ask, before you see that affidavit, and identify it --

THE COMMISSIONER: I have not seen it yet.

MR. ROSE: You have not seen it? Very well.

The second matter that I would bring to your attention, Mr. Commissioner, is this: and I certainly could not have mentioned it to you prior to this time. This is the first opportunity I have had,due to these facts that you, sir, ordered that my client, on whose behalf I appear, on the fourth and fifth of April - my client had been instructed not to discuss his evidence with any person including myself. And you may recall, sir, that just before the noon hour adjournment on the fifth of April, on Thursday the fifth of April, I undertook not to speak to my client concerning the case until his case had been completed?

THE COMMISSIONER: That is right.

MR. ROSE: I might say, insofar as my client is concerned, I did not speak to him concerning the evidence. Later in the afternoon, I believe we adjourned around 4:30; from the period of about

six o'clock until around eight o'clock or seven o'clock, I had a discussion with Mr. "X" and Mr. "X" reported to me at that time, that if - and I thought I should bring this to your attention - that for the two days prior to his appearing before this Commission, and during the time that he appeared before this Commission, he was registered in a downtown hotel in Room 510, and he reported to me that he became aware of the fact that in the room next to him were two female operatives, sent there by some person. He does not know whether there were detection devices in that room. And, that about the lobby of the hotel were other investigating officers, who had him under constance surveillance; and that in addition to that, he firmly believe that his telephone was either tapped or monitored by some investigating officers. Now sir, I do not know whether you are aware of this; and if the facts are correct. And I certainly think it was a matter that should be brought to your attention, because it caused a great amount of apprehension insofar as my client was concerned, and that it constituted, in my respectful submission, a form of coercion, without it becoming obvious that he was under such surveillance. I do not know: is the Commissioner aware? Was the Commissioner aware that this was going on? If you were not so aware, sir, I think it is a matter that should be looked into, because it certainly is not a very nice position for any witness in this

A/3

six o'clock until around eight o'clock on evening of [illegible] I had a conversation with Mr. "X" and Mr. "Y" referred to me at that time, that Mr - and I [illegible] - should have said to you [illegible] - that you had been given to his department during this Commission, and during the time that he [illegible] today had discussion by the [illegible] in a direction found in Room 240, and he reported to me that he became aware of the fact that in the [illegible] to his room has Panda operatives, [illegible] to come [illegible]. He then had been [illegible] [illegible] Ah, [illegible] the time of the [illegible] [illegible] [illegible] surveillance) and that in addition to that, he [illegible] [illegible] that six [illegible] had been [illegible] or other investigating activity. Sir, I do not know another [illegible] of [illegible]; and if the facts are correct. And I certainly [illegible] if you a matter that should be brought to [illegible] Commission, however it seems a [illegible] of governmental inquiry in my [illegible] and that it [illegible], is my [illegible] [illegible], a form of [illegible], without it [illegible] evidence that he was under such surveillance. I do not know: if the Commissioner answer. Was the [illegible] [illegible] that was [illegible] you. If you have not be aware, Sir, I think it is a matter [illegible] Commission [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

inquiry to find himself in, to know that he is under constance surveillance.

Now, I have had fairly reliable authority that certain witnesses, or a certain witness in this inquiry must expect to be under such suveillance. I would be most surprised if that surveillance included the monitoring of telephone calls, and tapping telephone wires. And if this has been done without your knowledge or authority or consent, I would certainly submit to you, sir, that it is a matter that should be looked into, because it is most unusual.

THE COMMISSIONER: Is that all?

MR. ROSE: That is all sir.

THE COMMISSIONER: Mr. Wilson, will you proceed?

MR. WILSON: Mr. Commissioner, today the evidence will be directed to the alleged gambling activities in clubs in the Niagara Peninsula.

The first club in respect of which evidence will be given is originally known as the Lorelei Club, in Bertie Township, which first came to the attention of the anti-gambling squad in 1953.

Late in 1953, the charter of the Hamilton Businessmen's Bridge and Chess Club appeared on the premises, although the Lorelei Club was used after that time, and in fact, there never was a charter granted to any Lorelei Club.

As a result of the activity of the anti-gambling branch, the charter of the Hamilton

[illegible] Mr. Chairman, Ian, do you know so it [illegible] minor economies surveillance.

Now, I have had fairly reliable authority [illegible] [illegible] in a [illegible] Dixie Industry must expect to be under some surveillance. I would be most surprised if that surveillance included the monitoring of telephone calls, and anything [illegible] events. But if this has been done without your knowledge or authority [illegible] Commissioner, I would certainly submit to you, sir, that it is a matter that should be looked into, because it is most unusual.

THE CHAIRMAN: Is that all?

MR. NIXON: That is all sir.

THE CHAIRMAN: Mr. Nixon, will you [illegible] accordingly.

MR. NIXON: Mr. Commissioner, today the witness will be directed to the alleged [illegible] [illegible] by the [illegible]

The first who is [illegible] will be given is certainly known to the Royal Club, in Beetle Tournaments, which first came to the [illegible] of the [illegible] [illegible] in 1971.

Here in 1971, the director of the Canadian [illegible] and Jimmy Kim [illegible] the premises, although the Imperial Club was just across the road, and in fact, there never was a [illegible] proposal to buy Imperial Club.

As a result of the activities of the anti-[illegible] [illegible], the director of the Canadian

Businessmen*s Bridge and Chess Club was cancelled inApril of 1954. Immediately after that cancellation the gambling activities continued at that particular location, but under the name of the Ramsay Club, a Federally chartered organization. The use of the Ramsey Club charter at that location lasted only a few months.

THE COMMISSIONER: That location being what?

MR. WILSON: Bertie; I could give you the exact location. Lot 3, Concession 2, Niagara River in the township of Bertie.

In May of 1955 the anti-gambling squad, on a raid, observed for the first time that the club was using another charter: that of the Canadian Merchant Navy Veteran*s Association, which was also a chrter with Federal origin.

In 1956 the Fort Erie Jockey Club acquired the land upon which the club premises were situated, and that was the end of the operation at that particular location.

The operation then moved to a new location, known as Three, Thompson Road in Bertie Township, and continued to operate under the Canadian Merchant Navy Veteran's Association Federal charter.

THE COMMISSIONER: Just a moment. The Canadian Merchant what?

MR. WILSON: Canadian Merchant Navy Veteran's Association.

THE COMMISSIONER: [Yes?

MR. WILSON: I have just been informed that

a witness is under subpoena; he is in the court room. And I would like to say that all witnesses that are under subpoena leave the court room.

(Whereupon some men left the court room)

MR. WILSON: The operations --

THE COMMISSIONER: Thompson is still in the township?

MR. WILSON: Yes, sir, in the Township of Bertie.

The operation continued under that name at Three Thompson Road until July, 1957, when the Club gave up its Federal Charter, and took out a Provincial Charter under the name of Frontier Veteran's Association, a certified copy of which charter has been filed here as Exhibit 11C.

The operation then continued under that name until July of 1958 when as a result of raids by police authorities the club ceased to operate, and I am advised ceased to operate since that time.

Now, I turn now to Niagara Falls: and in May of 1958 there was a gambling operation carried on at 1693 Victoria Avenue, Niagara Falls on the Ramsey Club charter. That is the same charter that was used, for a short time in 1954, by the Lorelei Club in Bertie Township.

THE COMMISSIONER: That is the Federal Charter?

MR. WILSON: That is the Federal Charter. It is rather significant to note that the Bertie

[illegible]

[illegible]

(Discussion held off the record.)

MR. HIGGS: The question —

MR. [illegible]: [illegible] IS [illegible] [illegible]

MR. HIGGS: Yes, sir, in the Township of [illegible].

The operations continued under that name at least [illegible] July, 1957, when the [illegible] Township's Association, a [illegible] body of which [illegible] had been [illegible].

The operations then continued under that name until July of 1958 when as a result of raids by police authorities the also changed to [illegible], and I am advised ended to [illegible] [illegible].

MR. I guess now to Ukrainian Italian. And in the [illegible] there was a gambling [illegible] in an Italo Ukrainian Banquet, Niagara Falls on the Canada Club [illegible]. That is the [illegible] [illegible] and then, for a short time in 1954, at the Italian Club in Sarnia Ontario.

MR. [illegible]: And in the [illegible] [illegible]?

MR. HIGGS: That is the Padova Club. It is another [illegible] to note that the Sarnia

Township operation continued until July of 1958, and the Ramsey Club started business in May of 1958 in Niagara Falls.

THE COMMISSIONER: Just a moment. Could you repeat that?query?

MR. WILSON: The starting date for the Ramsey Club at 1693 Victoria Avenue, Niagara Falls was May, 1958.

THE COMMISSIONER: Yes?

MR. WILSON: For the period from May 1958, to sometime in July 1958, the two clubs were operating, in other words, the Frontier Veteran's Association was operating in Bertie Township.

THE COMMISSIONER: Just a moment. I am just confused: the operation at 1693 Victoria Avenue under the old Federal Ramsey Club charter commenced in May, 1958?

MR. WILSON: It started up in May 1958.

THE COMMISSIONER: You say, from there until July 1958, the two clubs were operating? Namely, the ones at 1693 Victoria Avenue, operating under the Federal charter?

MR. WILSON: Yes.

THE COMMISSIONER: And the other one?

MR. WILSON: The Frontier Veteran's Association, operating in Bertie Township at Three, Thompson Road, under a Provincial Charter at that time.

THE COMMISSIONER: Yes, thank you.

MR. WILSON: The significance of that,

[illegible]

[illegible]

[illegible]

of the fact that from the period from May, to July 1958, the two clubs were operating will be shown by the evidence which will be introduced dealing with the various requests by individuals to Crown Attorneys, to police authorities and others during this period of May and June, that some steps should be taken to put the Ramsey Club out of business. And the evidence will show very clearly that it was not all a matter of concern for the public interest that motivated some of this activity; and in particular, a statement of how best to go about raiding the Ramsey Club in a successful manner, was on August the seventh, 1958 turned over by Inspector Stringer, the inspector in charge of Number 8 district of the Ontario Provincial Police. This statement or brief is said to have been forwarded to him by a Toronto lawyer: David Humphrey. He turned it over to Sergeant Anderson, the head of the anti-gambling Squad. And on August the eighteenth, 1958, a raid was made on the Ramsey Club premises at 1693 Victoria Avenue by the Ontario Provincial Police. And after that time there was no further gambling carried on that address. There were charges laid, and they were finally disposed of by Magistrate Hallett on May the twenty-sixth of 1959. He dismissed the charges that had been laid against the keepers and found-ins as a result of the August the eighteenth, 1958 raid.

of the fact that from the period from May, to July 1929, the two clubs were operating will be shown by the evidence which will be introduced dealing with the various problems by individuals in Brown Attorney, in police authorities and others during this period of May and June, that some steps should be taken to put the Bingo Club out of business. And the evidence will show very clearly that it was not all a matter of concern for the public interest that motivated some of this activity; and in particular, a statement of one that is in Exhibit Nine the Bingo Club in a successful manner, was on August the seventh, 1929 served upon by Inspector Stringer, the Inspector in charge of Division I district of the Ontario Provincial Police. This statement or brief is said to have been forwarded to him by a Toronto lawyer: David Bingham. He turned it over to Sergeant Anderson, the head of the anti-gambling Squad, and on August the eighteenth, 1929, a raid was made on the Bingo Club premises at 1819 Victoria Avenue by the Ontario Provincial Police. And after that time there was no further gambling carried on that address. There were seizures made, and they were finally disposed of in magistrate matters in Toronto the magistrate of 1929. He dismissed the charges that had been laid against the keepers and frame-ups on a result of the August the eighteenth, 1929 raid.

THE COMMISSIONER: When had the charges been laid?

MR. WILSON: I beg your pardon?

THE COMMISSIONER: When had the charges been laid?

MR. WILSONL The charges had been laid as of August the eighteenth, 1958.

THE COMMISSIONER: And it took till May 1959 to dispose of them!

MR. WILSON: To dispose of the matter, yes.

MR. WILSON: In that period of time there were apparently no operations carried on at the Lorelei, or since. But immediately after the disposition of the charges on May the twenty-sixth of 1959, the Ramsey Club charter was moved to new premises in the city of Niagara Falls: namely, 1648 Stanley Street.

THE COMMISSIONER: What is the address?

MR. WILSON: 1648 StanleyStreet.

THE COMMISSIONER: Yes.

MR. WILSON: Now, despite a number of raids at that address by the police, it carried on its activities under the name of the Ramsey Club, there until May the twenty-eighth 1960, which you will recall was the date that Provincial Constable R. J. Wright was arrested, and since that time, I have been advised that there has been no further activity at that address.

Now, with that background, I will call as the first witness Sergeant Anderson.

THE CHAIRMAN: Have you any objection

[illegible]

MR. WILSON: I had some [illegible]

THE CHAIRMAN: Have had the charges

been laid?

MR. WILSON: The charges had been laid as

of August [illegible], [illegible].

THE CHAIRMAN: And it took till May 1949

to dismiss of [illegible]

MR. WILSON: To dispose of the matter, yes.

MR. WILSON: In that period of time there

were [illegible] of [illegible] [illegible] as in the

[illegible], or [illegible]. The [illegible] after the

[illegible] of the [illegible] on the [illegible]-[illegible]

of [illegible], the [illegible] [illegible] [illegible] [illegible]

[illegible] in the city of [illegible]: [illegible],

[illegible] [illegible].

THE CHAIRMAN: What is the [illegible]

MR. WILSON: [illegible].

THE CHAIRMAN: Yes.

MR. WILSON: Now, [illegible] a [illegible] of [illegible]

of [illegible] [illegible] by the police, is [illegible] on the

[illegible] [illegible] the [illegible] of the [illegible] [illegible].

[illegible] [illegible] the [illegible]-[illegible] [illegible], [illegible] you

[illegible] [illegible] [illegible] that [illegible]

[illegible]. I. I. [illegible] [illegible] [illegible], [illegible] [illegible]

[illegible] [illegible]. I have been advised that there has been

no further activity at that address.

Now, with that background, I will call as

the first witness [illegible].

SERGEANT JOHN MILLS ANDERSON, recalled

THE COMMISSIONER: You are still under oath, Sergeant.

THE WITNESS: Yes, my lord.

EXAMINED BY MR. WILSON:

Q. I have asked you to prepare a summarry of the activities of the Ontario Provincial Police Anti-Gambling Squad, with relation to the operations carried on in Bertie Township, under the name of Lorelei Club, Ramsey Club, Hamilton Businessmen's Association Bridge and Chess Club and finally, Frontier Veteran's Association.

A. Yes, sir.

Q. And now, will you tell us what this document shows that I hand to you? (Indicating a document to the witness)

A This one? (A brief consultation between witness and learned counsel)

Q. Let us keep to this one. We are getting mixed up.

A. That was prepared listing the warrants executed, the observations, during the year 1955 on the Canadian Merchant Navy Veteran's Association, Lot 3, Concession 2, Bertie Township.

Q. Could you please give this to the Commissioner so he can follow it? (Speaking to Registrar)

I think I had better have one of those.

(To the witness).

Now, tell us when you first had any knowledge of this operation? That is, the anti-gambling branch.

THE COMMISSIONER: We had better make this Exhibit 96.

Exhibit 96 - Ontario Provincial Police Report, dated 13th of April 1962, re Canadian Merchant Navy Veteran's Association, Bertie Township, Lot 3 Concession 2 Niagara. Being a list of raids during 1955.

THE WITNESS: I would say that would be approximately --

MR. WILSON: Just a moment. Wait until the Commissioner looks at it.

THE COMMISSIONER: Yes?

THE WITNESS: It would be May the twenty-first when the warrant was executed, and we found that there was now another charter on the premises.

Q. Of what year are you talking about?

A. This is 1955, sir.

Q. Yes. Now, April of 1955: did you not have knowledge of gambling activity at this location.

A. Yes sir.

Q. Will you go right back to the time that you first had knowledge of any activity there.

A. Well, that would go back to 1954,

(To the witness).

Now, tell us when you first had any knowledge of this conspiracy. Was it in anti-Castro groups.

THE WITNESS: We had talked about this before.

Exhibit 96 - Cuban Provisional Police Manual, dated 12th of April 1960, on Cuban Revolutionary Army Intelligence Service Training, Sub 3 Counterintelligence Section. Dated a year of years during 1960.

THE WITNESS: I would say that would be approximately --

MR. WILSON: Just a moment. Wait until the Commissioner lines up it.

THE COMMISSIONER: Yes.

THE WITNESS: It would be May the twenty-first when the warrant was executed, and we found that there was no military course in the premises.

Q. Of what year are you talking about?

A. This is 1960, sir.

Q. Yes. Now, April of 1960: did you not have knowledge of something occurring at this location.

A. Yes sir.

Q. Will you go right back to the time that you first had knowledge of any activity there.

A. Well, that dates at least to 1957.

sir.

Q. Yes.

A. At a time when it was first known as the Hamilton Businessmen's Bridge and Chess Club, in April 1954?

Q. Yes.

A. It came to our attention then that it was a gaming house.

Q. Did you take any steps to put - did you do anything about that operation?

A. Yes we did.

Q. What was the result?

A. There were nil sir.

Q. What happened to the club you are speaking of?

A. Of the Canadian Merchant Navy --

THE COMMISSIONER: Of the Hamilton Club?

THE WITNESS: Well yes sir. That charter; there were steps taken to have that charter cancelled and, they were cancelled.

Q. Who took these steps?

A. Sergeant Van Zuben.

Q. Those steps were successful?

A. Yes sir.

Q. And that was cancelled in April, 1954?

A. Yes sir.

Q. What happened at those premises after that time?

A. Following that, the cancellation of that charter, then we go into 1954, when we

air.

Q. Yes.

A. At a time when it was first known on the Detailing Commander's Judge and Jones Club, in April 1960?

Q. Yes.

A. It came to our attention that there was a gaming house.

Q. Did you take any steps to put - did you do anything about that operation?

A. Put an end.

Q. What was the result?

A. There were pit sets.

Q. What happened to the club you were operating at?

A. At the Detention Facilities Commander's request, they were closed.

Q. Do you mean "Yes" sir. That members there were asked to have that character associations end, they have ceased.

Q. Do you know why?

A. Because the Times.

Q. Those judge were committed?

A. Yes sir.

Q. And that was cancelled in April, 1960?

A. Yes sir.

Q. What happened at those gambling dives and clubs?

A. Following that, the cancellation of that education Commission in June 1960, there we

refer to the --

THE COMMISSIONER: 1955!

THE WITNESS: 1955

Q. No; I still think you have got the - you have the use at that location?

A. It was still the same location.

Q. But in 1954, was there any particular use of the Ramsey Club charter at that location?

A. In 1954?

Q. Yes.

Q. What period of time?

A. Just for a few months, during that period.

Q. What was your basis for saying what was the use of the RamseyClub charter at that location?

A. We found a photostatic copy on the premises.

Q. And who were the persons associated with that particular club, or association at that time?

A. There, were many persons on there; but one Felix Borella was always, as I recall, in constant attendance.

Q. That, you say, only lasted for a few months in 1954.

A. Yes.

Q. And then, what happens in 1955.

A. That is when the Canadian Merchant

Return to Sec —

EXX CONSTABLE: 12021

THE WITNESS: 1975

Q. Now, I would think you have got the — you have the same as Sergeant Investigator?

A. It was still the same Investigation.

Q. But in 1964, was there any verification made of the Surrey Club character as part Investigation?

A. In 1964

Q. Yes.

Q. Your position at time?

A. Still for a few months, during that period.

Q. When was your task the period that was the use of the Investigation character at that time?

A. We found a photostatic copy on the premises.

Q. Had you ever the process associated with that particular club, or association at that time?

A. There, were many persons on record; but one Doris Dorella was always, as I recall, in amusement establishment.

Q. That, you say, only taken for a few months in 1964.

A. Yes.

Q. And then, when happens in 1965.

A. Then in when John Canadian Revenue

Navy Veteran's Association charter comes into being.

Q. That is the association that is mentioned on your summary Exhibit 96? That was just filed here this morning?

A. Yes sir.

Q. And that summary shows the list of raids and observations on these premises during the year 1955.

A. Yes sir.

Q. And could you just summarize it for us?

A. Between May the twenty-first and October 30th, there were five warrants executed and five observations made. That is, observations whereby we would be as close to the premises as possible, to count traffic in and out.

There was also one attempt to hide - in fact, we did hide two officers in the place. We obtained first the services of a key and locksmith and we hid two men in there, but they were uncovered. We also had another occasion to hide a man in the attic, and he was also uncovered.

Q. What were the results of your efforts in 1955?

A. Nil, sir.

Q. Yes. And then following through to 1956 and 1957, have you prepared a further summary.

Mr. Tolmadge's determination matters been that being?

Q. Then is the conversation that is mentioned in your memory totally off? Then, you put-tied have this message?

A. Yes sir.

Q. And then summary stopped the line of radio and communications in those proceedings during the year 1955.

A. Yes sir.

Q. And could you just summarize it for me?

A. Between the twenty-first and October 30th, there were five warrants executed and five interceptions made. That is, transcriptions although we could be as close to the proceedings as possible, to count traffic in and out.

There was time-one attempt to kick - in fact, we did have two officers in the place. We continued first the mentions of a key and knowledge and we did two men in there, but they then recovered. We did not another question is inside a man in the cabin, and he was also interrupted.

Q. What were the results of your efforts in 1955?

A. NEL, sir.

Q. Yes. And then following through to 1956 and 1957, have you prepared a further report?

A. I have sir.

Q. Under the name of Canadian Merchant Navy Veteran's Association, Three Thompson Road, Bertie Township, Ontario?

A. That is correct, sir.

Q. And it lists the raids and observations made during the years 1956 and 1957, up to the time the new charter was issued to the Frontier Veteran's Association in July 1957?

A. That is correct, sir.

MR. WILSON: We will mark that Exhibit Number 97.

THE COMMISSIONER: For what year?

THE WITNESS: 1956 and 1957 sir, up to July of 1957.

Exhibit 97 - Ontario Provincial Police Report, dated 13th of April 1962 re the Canadian Merchant Navy Veteran's Association, being a list of raids for the years 1956 and 1957.

(Page 2220 follows)

4. I have sir.

6. Please the house of Tonkalina Emergency Duty Rivers's Association, Shane Stevens Road, Devils Tonsoring, Commerce.

4. That is correct, sir.

8. And is there the rules and observations made during the years 1996 and 1997, as to how the the industry was issued to the Tonkalina Emergency Servicing in July 1997?

4. That is correct, sir.

MR. KIZZER: I'M WELL AWARE THAT SENATOR Hansard 27.

THE CHAIRPERSON: The hour.

[illegible] 1996 and 1997 acts, as to July of 1997.

[illegible] 27 – Tonkalina Professional Rules Report, dated 12th of April 1998 as the Emergency Services Shane Stevens's Association, being a list of rules for the years 1997 and 1997.

[Page some rules]

MR. WILSON: Q. Now, will you just summarize what is shown onthis exhibit number 97?

A During the year 1956 there was very little activity. There was one observation made on the premises, two warrants executed, and the premises were photographed, once during the afternoon hours. During the year 1957, as of March the 27th, through, there was a time that our district headquarters in Niagara Falls and the detachment at Ridgway, or Bertie Township, took an active part in executing warrants, and keeping observations on these premises. During that period there were three warrants executed in 1956, and one observation, and in 1957 up to the end of June, first of July, there were thirteen warrants executed and eighteen observations , a total of sixteen warrants and nineteen observations. The premises was also photographed in April and Inspector Farrow of the Fire Marshal's Department, as to the construction of the premises.

Q. And what were the results?

A. The results were nil in that instance too, sir.

Q. And the next summary that you have prepared is headed, "Frontier Veterans Association, 3 Thompson Road, Bertie Township",

MR. WILSON: Q. Now, will you just summarize what is shown on this exhibit number 37?

A. During the year 1956 there was very little activity. There was one observation made on the premises, the material examined, and the premises were photographed, once during the afternoon hours. During the year 1957, as it marks the 27th, though, there was a time that our district headquarters in Niagara Falls and the detachment at Ridgeway, or Bertie Township, took an active part in enforcing warrants, and keeping observations on these premises. During that period there were three warrants executed in 1956, and one observation, and in 1957 up to the end of June, first of July, there were thirteen warrants executed and eighteen observations , a total of sixteen warrants and nineteen observations. The premises was also photographed in April and Inspector Barron of the Fire Marshal's Department, as to the construction of the premises.

Q. And what were the results?

A. The results were nil in that instance too, sir.

Q. And the next summary that you have prepared is marked, "Republic Veterans Association, 1 Thompson Road, Bertie Township",

and covers the period from July the 29th, 1957, up to June the 26th, 1958?

A. Yes, sir.

Q. And that will be Exhibit No.98.

---EXHIBIT NO.98: Summary headed Frontier Veterans Association 3 Thompson Road, Bertie Township, covering the period from July 29th,1957 to June 26th, 1958.

MR. WILSON: Will you just summarize the activities indicated, or shown, on Exhibit No.98.

THE WITNESS: Yes, sir, from July the 29th, 1957, through to September the 29th, there were warrants executed totalling nine, and seven observations, which were kept on the premises from a position either to the rear or on the street. There were other periodic observations, that is by the local detachment, when they drove by the premises, but they did not stop to make a thorough check. In 1958, as of the 1st of January, 1958, Chief Constable Howard Johnston became the chief Constable of that township, and he with his force conducted 59 raids on these premises at 3 Thompson Road, and there were 6 raids conducted by the Ontario Provincial Police from Niagara Falls, making a total of 64 raids in 1957 and 1958, plus seven observations, with the result that insofar as a prosecution was concerned, it was nil, but as of July the 2nd, 1958, the premises did

and during the period from July 2nd, 1937, up to June 30th, 1939?

A. Yes, sir.

Q. And that will be Exhibit No.94.

---EXHIBIT NO.94: Summary showing Provincial Telephone Installation @ Thompson Road, during January, showing the period from July 2nd,1937 to June 30th, 1939.

MR. WILSON: Will you just summarize the activities indicated, as shown, on Exhibit No.94.

THE WITNESS: Yes, sir, from July the 2nd, 1937, through to December the 29th, there were various separated installing sites, and seven observations, which were kept on the premises from a position either in the vault or on the street. There were other periodic observations, that is by the local detectives, when they drove by the premises, but they did not stop to make a thorough check. In 1938, on or the 1st of January, 1938, Chief Constable Donald Alexander became the Chief Constable of this township, and he also has been maintained in making an times premises at 3 Thompson Road, and there were 2 visits conducted by the Ontario Provincial Police from Niagara Falls, making a total of 44 visits in 1937 and 1938, plus seven observations, with the result that whether a prosecution was concerned, it was nil, but on or July the 2nd, 1939, the premises did

close its doors and cease to operate.

Q. Have you any direct evidence as to the operators of the gambling establishment carried on at these two addresses; first at Lot 3, Concession 2, and later at 3 Thompson Road?

A. No, I have no direct evidence, sir. I might say this, at 3 Thompson Road the steward was one Sid Ross, and again, Mr. Felix Borelli was always present at these premises.

THE COMMISSIONER: What was the first name?

THE WITNESS: Alfred Sid Ross.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. Where did Felix Borelli live?

A. In Niagara Falls on Walnut Street, sir.

Q. And then we return to the Ramsay Club. I understand you want to correct something, and what Exhibit is that?

THE WITNESS: This is to do with the Ramsay Club, for 1954.

Q. Well, that is the one we are justcoming to?

A. Yes, sir.

Q. And this will be Exhibit 99.

THE REGISTRAR: 99, yes.

views his sworn and owns to records.

Q. Have you any direct evidence as to the ownership of the gambling establishment carried on at these two addresses; first at Lot 3, Concession 8, and later at 3 Thompson Road?

A. No, I have no direct evidence, sir. I might say this, at 3 Thompson Road the already was one Bill Yuen, and again, Mr. Felix Merrill was always present at these premises.

THE COMMISSIONER: What was the first name?

THE WITNESS: Alfred Bill Yuen.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. Where did Felix Merrill live?

A. In Niagara Falls on Walnut Street, sir.

Q. And then we return to the Ramsay Club. I understand you want to correct something, but what Exhibit is that?

THE WITNESS: This is to do with the Ramsay Club, for 1954.

Q. Well, that is the one we are interested in?

A. Yes, sir.

Q. And this will be Exhibit 39.

THE COMMISSIONER: 39, yes.

---EXHIBIT NO.99: Summary of Provincial Police action against Ramsay Club, headed "Ramsay Club,Bertie Township, 1693 Victoria Avenue, Niagara Falls and 1648 Stanley Street, Niagara Falls.

MR. WILSON: Now, this is a summary of Provincial Police action against the Ramsay Club, and it is headed "Ramsay Club Bertie Township, 1693 Victoria Avenue, Niagara Falls and 1648 Stanley Street, Niagara Falls" ?

A. That is correct, sir.

Q Now the reason for the reference to the Bertie Township, is the fact that this same charter was used for a few months at the Bertie Township location of the Loreli Club in 1954?

A Yes, sir.

Q. Now do I understand that there is some information that is set out here, that you want to correct in some way?

A. Yes, sir.

Q. Let us see where you are going to add this - -

A Paragraph 2.

Q. Yes?

A. Yes.

Q. Let us see how it reads first. "Observations were made by this branch on the

EXHIBIT NO.22: Summary of Provincial Police action against Kamsay Club, located "Kamsay Club,Bertie Township, and Plaintiffs Arrest, Niagara Falls and 1068 Stanley Street, Niagara Falls.

MR. MILLER: Mr. this is a summary of Provincial Police action against the Kamsay Club, and it is headed "Kamsay Club Bertie Township, 1068 Plaintiffs Arrest, Niagara Falls and 1068 Stanley Street, Niagara Falls" ?

A. That is correct, sir.

Q. Now the reason for the [illegible] in the Bertie Township, is the fact that this same character was used for a few months at the Bertie Township location of the Lorell Club in 1944?

A Yes, sir.

Q. Now do I understand that there is some information that is not out here, that you want to correct in some way?

A. Yes, sir.

Q. Let us see where you are going to add this - -

A Paragraph 2.

Q. Yes?

A. Yes.

Q. Let us see how it reads first.

[illegible] made to this trend on the

suspected premises on July 9 and 14, and August 5 and 27, 1954. The Ramsay Club charter disappeared from this premises when another Federal charter came into being".

A. Yes, sir.

Q. And this directed to the activity of your force against the Ramsay Club when it was used at the Loreli Club premises for Bertie Township?

A. Yes, sir.

Q. Do I understand you want to correct that second paragraph in some way?

A. Yes, sir, just to add to it that warrants were executed on four dates, so that would be four warrants plus the four observations.

Q. That is during the period when the Ramsay Club charter was used in Bertie Township?

A. That is correct, sir.

Q. At that time did you associate the Ramsay Club with any one individual or any group of individuals?

THE COMMISSIONER: At what time?

MR. WILSON: 1954, Mr. Commissioner.

THE WITNESS: No sir, I cannot say that I did.

MR. WILSON: Well then, will you go on to summarize what this Exhibit 99 sets out, after

suspected premises on July 9 and 14, and August 5 and 27, 1924. The Ramsay Club charter disappeared from this premises soon after Ramsay Auxiliary came into being".

A. Yes, sir.

Q. And this directed to the activity of your force against the Ramsay Club in was used as the legal claim previous for Bertie Township?

A. Yes, sir.

Q. Do I understand you want to correct your former statement in some way?

A. Yes, sir, just to add to it that warrants were executed on four books, so that would be four warrants plus the four convictions.

Q. That is during the period when the Ramsay Club charter was used in Bertie Township?

A. That is correct, sir.

Q. At that time did you associate the Ramsay Club with any one individual or any group of individuals?

THE COMMISSIONER: At what time?

MR. WILSON: 1924, -. Immediately.

THE WITNESS: No sir, I cannot say that I did.

MR. WILSON: Well then, will you go on to describe what this Ramsay Club was, after

1954?

A. From 1954, after the Ramsay Club charter disappeared, from the Loreli premises, we do not hear of it again until the year 1958, until approximately May of that year when we hear that it is setting up again at 1693 Victoria Avenue in the City of Niagara Falls.

THE COMMISSIONER: On what date?

THE WITNESS: In approximately May of 1958, sir. The premises was raided on August the 18th, charges were preferred and four persons were charged with keeping a common gaming house.

THE COMMISSIONER: Who were?

MR. WILSON: Q. Who were the persons? It may be of importance to know what members of your squad were involved in that raid.

THE COMMISSIONER: Wait a moment. Who were the persons charged?

A. Well, there was Ralph Agretto.

THE COMMISSIONER: Where are you reading from?

THE WITNESS: A report submitted at that time, sir.

THE COMMISSIONER: Is it anywhere in Exhibit 99?

THE WITNESS: No sir, it is not.

THE COMMISSIONER: Well, Ralph Agretto?

THE WITNESS: Yes sir.

upon?

A. From 1934, after the Massey Club quarter disappeared, from the Lorell premises, as its last home, it again until the year 1939, until approximately May of that year when we hear that it is setting up again at 1898 Victoria Avenue in the City of Niagara Falls.

THE COMMISSIONER: On what date?

THE WITNESS: In approximately May of 1939, sir. The premises was raided on August the 12th, officers were present and the persons were charged with keeping a common gaming house.

THE COMMISSIONER: Who raided.

Q. WITNESS: A. The same the personnel

It may be of importance to know what members of your squad were involved in that raid.

THE COMMISSIONER: Wait a moment.

Who were the persons charged?

A. Well, there was Helen Liberty.

THE COMMISSIONER: Where are you reading from?

THE WITNESS: A report submitted at the time, sir.

MR COMMISSIONER: Is it anywhere in Exhibit 38?

THE WITNESS: No sir, it is not.

THE COMMISSIONER: Well, Major Sparks?

THE WITNESS: Yes sir.

THE COMMISSIONER: Yes.

THE WITNESS: Isadore Segal.

THE COMMISSIONER: Segal?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Yes?

THE WITNESS: Michael Paulo.

THE COMMISSIONER: Will you spell it please?

THE WITNESS: P-a-u-l-o.

THE COMMISSIONER: Yes?

THE WITNESS: And - - -

THE COMMISSIONER: And?

THE WITNESS: James DelDuca.

THE COMMISSIONER: Preferred against them as operators?

THE WITNESS: As keeping a common gaming house, yes, sir.

THE COMMISSIONER: In 1958?

THE WITNESS: Yes, sir.

THE COMMISSIONER: In May of 1958?

THE WITNESS: Yes, sir. Following further investigations in connection with articles that were seized at the premises - - -

THE COMMISSIONER: What happened to the charges?

THE WITNESS: They were dismissed, sir, on May the 26th, 1959.

MR. WILSON: Why was there such a lengthy period between the date of the prosecution

THE COMMISSIONER: Yes.

THE WITNESS: Sergeant Major.

THE COMMISSIONER: Right.

THE CLERK: Cpl. Kirk.

THE COMMISSIONER: Yes.

THE WITNESS: Michael Kirk.

THE COMMISSIONER: Will you spell it please?

THE WITNESS: K-i-r-k.

THE COMMISSIONER: Yes?

THE WITNESS: And - - -

THE COMMISSIONER: Are?

THE WITNESS: James McIlhon.

THE COMMISSIONER: Interpreted against them as a prefect?

THE WITNESS: As keeping a common gaming house, yes, sir.

THE COMMISSIONER: Is right?

THE WITNESS: Yes, sir.

THE COMMISSIONER: In May of 1959?

THE WITNESS: Yes, sir. Following further investigations in connection with arrests that were seized at the premises - - -

THE COMMISSIONER: What happened to the charge?

THE WITNESS: They were dismissed, sir, on May the 26th, 1959.

Mr. WILSON: Why was there such a lengthy period between the date of the prosecution

and the date of the disposition of the matter by the Magistrate?

A. Well I believe, sir, for the first month and a half, at least, we were not prepared to go ahead with it ourselves. There was considerable work to be done on articles that were seized, that is money. The money at that time had to be taken care of by our lab, and we were not prepared to go ahead at that time. Following that, Magistrate Hallett took sick and was unable to attend in Court for the trial until later on, sir.

Q. Am I right in saying that the personnel of the squad that took part in the raid were yourself, and Provincial Constables George Scott, W.C.B.Lawrence - - -

THE COMMISSIONER: Just a moment, please.

MR. WILSON: S.J.Napolitano and J.C.McDonald?

A. That is correct, sir, they are of the Branch.

Q. They were from the Branch, and then you had with you some ten uniformed members of the Force from Number 4 District?

A That is correct, sir.

Q. Mr. Commissioner, I think I will file this report on this raid, which is dated 2nd of September, 1958, because of certain

and the date of the disposition of the matter by the Magistrate?

A. Well I believe, sir, for the first month and a half, at least, we were not prepared to go ahead with it ourselves. There was considerable work to be done on articles that were seized, that is money. The money at that time had to be taken care of by our lab, and we have not proceeded to do so at this time. Following that, [illegible] Military Trial and was unable to attend in Court for the trial until later on, sir.

Q. Am I right in saying that the personnel of the squad that took part in the raid were yourself, and Provincial Constables George Scott, W.C.B.Lawrence - - -

THE COMMISSIONER: Just a moment, please.

MR. WILSON: S.J.Napolitano and F.C.McDonald?

A. That is correct, sir, they are of the Group.

Q. They were from the Branch, and then you had with you some ten uniformed members of the Force from number 4 District?

A. That is correct, sir.

Q. Mr. Commissioner, I think I will file this report on this raid, which is dated 2nd of September, 1964, because of certain

facts that appear there which will bear relationship to what I call the Stringer brief, which will be introduced in a moment. It is the report dated September the 2nd, 1958.

THE COMMISSIONER: Just a report of the raid, of August the 18th?

MR. WILSON: Yes, that is right.

THE WITNESS: Yes, sir.

---EXHIBIT NO.100: Report of raid, dated 2nd September,1958.

THE COMMISSIONER: Just a moment, I have copies of Exhibit 97, 98 and 99 and, Mr. Common, I will let you have them. Have you got copies that Mr. Common can have, let Mr. Common see them.

MR. WILSON: Coming back to Exhibit No. 99, which is the report you were discussing down to August the 18th, 1958, would you just go on from that date?

A The club remained opened for a short period of time following that raid, and then it closed its doors and ceased to operate. We next had word, in 1959, I believe it was, getting on into the summer time then, that the Ramsay Club was opening at 1648 Stanley Street, also in the City of Niagara Falls. During that time ten raids were conducted by the Niagara Falls Police Department.

facts that appear there which will been
relationship between I call the Stringer Grant, which
will be introduced in a moment. It is the
report dated September the 2nd, 1958.

THE COMMISSIONER: Was a report of
the raid, of August the 15th?

MR. ROSNER: Yes, that is right.

THE WITNESS: Yes, sir.

EXHIBIT NO.100: Report of raid, dated 2nd September, 1958.

THE COMMISSIONER: Just a moment.
I have copies of Exhibit 97, 98 and 99 and,
Mr. Common, I will let you have them. Have you
got copies that Mr. Common can have, let Mr.
Common see them.

MR. WILSON: Looking back to Exhibit
No. 99, which is the report you were discussing
from 1st August the 15th, 1958, would you just go
on from that date?

A The club remained opened for
a short period of time following that raid, and
then it closed its doors and ceased to operate.
We next had word, in 1959, I believe it was,
getting on into the summer time then, that the
Sunny Side was opening at 1541 Dundas Street,
also in the City of Niagara Falls. During that
time ten raids were conducted by the Niagara
Falls Police Department.

THE COMMISSIONER: During what time?

THE WITNESS: Between October the 27th, and December the 18th, my lord.

THE COMMISSIONER: 1959?

THE WITNESS: Yes, sir, 1959.

THE COMMISSIONER: How many raids?

THE WITNESS: Ten, my lord. There were no raids at this time by the Anti-Gambling Squad.

THE COMMISSIONER: Then they were made by whom?

THE WITNESS: The Niagara Falls Police Department, sir. On January the 22nd, through to June the 1st - - -

THE COMMISSIONER: 1960?

THE WITNESS: 1960, raids were conducted by the Anti-Gambling Branch on these premises at 1648 Stanley Street,

THE COMMISSIONER: With what result?

A. They were nil results, my lord, but circumstances at that time - we were not expecting to get anywhere with them.

MR. WILSON: Why was that?

A. Well, Constable Wright, or former Constable Wright was with us at that time, and following the Feoruary 5th contact with Constable Scott, certain information was passed on about the pending raids.

Q. You were aware of ~~thexxx~~ Wright's

THE COMMISSIONER: During what time?

THE WITNESS: [illegible] the 4th,

and December the 10th, my lord.

THE COMMISSIONER: 1955?

THE WITNESS: Yes, 4th, 1954.

THE COMMISSIONER: How many raids?

THE WITNESS: Ten, my lord. There were no raids at this time by the Anti-Gambling Squad.

THE COMMISSIONER: Then they were made by whom?

THE WITNESS: The Niagara Falls Police Department, sir. On January the 22nd, through to June the 1st - - -

THE COMMISSIONER: Sorry

THE WITNESS: Sorry, raids were conducted by the Anti-Gambling Branch on these premises at 1045 Stanley Street.

THE COMMISSIONER: Did that result

A They were all negative, my lord, but circumstances at that time - we were not [illegible] with them.

MR. WILSON: Why was that?

A. Well, Constable Wright, the former Constable Wright was with us at that time, and following the February 5th contact with Constable Swift, [illegible] on about the gambling raids.

Q. You were aware of [illegible]

activities once George Scott made contact with him?

A. Thatis true, sir, I was also, prior to that, suspicious of Constable Wright and so reported.

Q. Well, that is, you say why you did not expect in this period from January through to May of 1960 - - -

THE WITNESS: Was following the contact by Wright to Scott, yes sir, I was aware of that.

Q. Then what happened?

A. Also during 1960 there was 19 warrants executed by the Niagara Falls Police Department.

Q. When did it cease to operate - the club cease to operate at this location?

A. Constable Wright was arrested on May the 28th, and June 1st the club ceased to operate, 1960.

Q. Then I see inthis Exhibit 99, on the second page, there is a reference to certain observations in 1961?

A That is correct, sir. There were two on two dates that I happened to be in the Falls, I checked the premises. On one date, January the 18th, the doors were open, but only Ralph Agretto was on the premises, and on February the 1st, I again checked the premises, and at that time there were

relating your County Court, some conflict with him?

A. That is true, sir, I was, prior to that, suspicious of Constable Wright and so reported.

Q. Well, that is, you say why you did not expect in this period from January through to May of 1960 - - -

THE WITNESS: Was following the contact by Wright to Scott, yes sir, I was aware of that.

Q. Then what happened?

A. Also during 1960 there was 19 warrants executed by the Niagara Falls Police Department.

Q. When did it cease to operate - the club cease to operate at this location?

A. Constable Wright was arrested on May the 25th, and June 1st the club ceased to operate, 1960.

Q. Then I see Index Exhibit 24, on the second page, there is a reference to certain observations in 1961?

A That is correct, sir. There were two on two dates that I happened to be in the Falls, I checked the premises. On one date, January the 18th, the doors were open, but only light figures were on the premises, and on February the 1st, I again checked the premises, and at that time there were

approximately ten cars there, and that was the final date, sir, that the premises was open. The place has since been kept under continual observation by our Niagara Falls headquarters, and as I say, it ceased to operate.

Q. And what became of the Ramsay Club charter?

A. That, approximately two weeks ago, sir, that the charter was cancelled for cause.

Q. That is the federal charter?

A Yes.

Q. It was a federal charter?

A. It was a federal charter, yes sir.

Q. Going back for a moment to the Ramsay Club operation at 1693 Victoria Avenue, Niagara Falls, who was the owner of that property?

A. One James Sacco.

Q. And who were the operators during the period that the club was carried on at that address?

A. Well, Peter Sacco, his brother, was on the premises, but it was Ralph Agrette who was the steward of the club.

Q. Well, were there any principals known to the Anti-Gambling Squad at that address?

A. I would have to say no to that,

approximately ten cars there, and that was the final date, sir, that the premises was open. The place has since been kept under continual conservation by our Niagara Falls headquarters, and as I say, it ceased to operate.

Q. And what became of the Hamady Club charter?

A. That, approximately two weeks ago, sir, that the charter was cancelled for cause.

Q. That is the federal charter?

A. Yes.

Q. It was a federal charter?

A. It was a federal charter, yes sir.

Q. Going back for a moment to the Hamady Club operation at 1621 Victoria Avenue, Niagara Falls, who was the owner of that property?

A. [illegible].

Q. And who were the operators during the period that the club was carried on at that address?

A. Well, [illegible], his brother, was on the premises, but it was Ralph Agretto who was the steward of the club.

Q. Well, were there any principals known to the Anti-Gambling Squad at that address?

A. I would have to say no to that,

sir, other than what was listed.

Q. When you say other than what was listed - -

A. In the brief.

Q. I see.

A. What was suggested there - - -

Q. That is what we are coming to.

A. Yes.

Q. Now, come to the next address, 1648 Stanley Street - yes, it was 1648 Stanley Street?

A. Yes, Stanley Street.

Q. Who was the owner of that property?

A. A Mr. DelDuca. He operated a sheet metal shop on the main floor of these premises. The club was on the second floor.

Q. And were the operators at that address the same as the operators at 1693 Victoria Avenue?

A. On this occasion, sir, the Steward was now Alfred Sid Ross.

Q. Alfred Sid Ross, is that the same man who had been steward at the Frontier Veterans Association?

A. The same man, sir.

Q. And were there any other individuals associated with the operation at this 1648 - -

sir, other than what was listed.

Q. When you say other than what was listed - -

A. At the start.

Q. I see.

A. What was suggested there - - -

Q. That is what we are coming to.

A. Yes.

Q. Now, does 16 Stanley Street, 1643 Stanley street - Yes, it was 1643 Stanley street?

A. Yes, Stanley Street.

Q. Who was the owner of that property?

A. A Mr. Leibson. He operated a sheet metal shop on the main floor of these premises. [illegible]

Q. And were the operators at that address the same as the operators at 1693 Victoria Avenue?

A. On this occasion, sir, the steward was now Alfred Sid Ross.

Q. Alfred Sid Ross, is that the same man who had been steward at the Frontier [illegible]?

A. The same man, sir.

Q. And were there any other individuals associated with the operation at this 1643 - -

A. Again, one Felix Borelli was always present on the nights of raids.

Q. And he had been a regular attendant at the Frontier, and its predecessors?

A. That is correct, sir.

THE COMMISSIONER: When you say he was always present - - -

THE WITNESS: Any time we were there.

THE COMMISSIONER: Was he apparently in some authority?

THE WITNESS: I could not say that, my lord, because any time we went in with a warrant, only one man would take the responsibility, and that was the steward.

THE COMMISSIONER: Did you ever talk to Borelli?

THE WITNESS: We talked to him, sir, but he never admitted anything.

MR. WILSON: I do not think we covered the point as to what happened to the Frontier Veterans Association charter?

A That is still in existence. When the club folded its doors in 1958, the premises reverted back to a restaurant, which it was before the club took over.

Q. Well now, did your branch take any steps to bring about the cancellation of any other charters of the club charters, or the charters of the clubs we have been discussing

A. Again, one Felix Burelli was always present on the nights of raids.

Q. And he had been a regular attendant at the Frontier, and the predecessors?

A. That is correct, sir.

THE COMMISSIONER: When you say he was always present - - -

THE WITNESS: My time we were there.

THE COMMISSIONER: Was he apparently in some capacity?

THE WITNESS: I could not say that, my lord, because any time we went in with a warrant, only one man would take the responsibility, and that was the manager.

THE COMMISSIONER: Did you ever talk to Burelli?

THE WITNESS: We talked to him, sir, but he never admitted anything.

MR. WILSON: I do not think we covered the point as to what happened to the premises.

A. That is still in existence. When the club folded its doors in 1950, the premises reverted back to a restaurant, which it was before the club took over.

Q. Well now, did your branch take any steps to bring about the cancellation of any other charters of the club charters, or the charters of the clubs we have been discussing

this morning?

A Well, there was one.

Q. Well yes, the Hamilton Businessmen's Bridge and Chess Club, you did something about that?

A. That is right.

Q. Now, in any of the others that we have mentioned this morning, did your branch take any action - take any steps to bring about a cancellation?

A. Well, the Ramsay Club being a federal charter, no sir. The Frontier Veterans, it came under Chief Constable Howard Johnston, and at that time it was more or less left up to him, and it was not until the past few months that a report was submitted for the cancellation of that charter.

Q And that was by?

A. By the Anti-Gambling - - myself.

Q. When was that?

A. Three or four months ago, sir. - perhaps a little longer.

Q. And that has been done just in the last month or two?

A. No, I would say possibly three or four months.

Q. I take it that during the period from 1954 up to 1962, the only active steps taken by your branch to bring about a

this morning?

A. Well, there was one.

Q. Well yes, the Hamilton-Jamieson's Bridge and Chess Club, you did something about that?

A. That is right.

Q. Now, in my or the course that we have mentioned this morning, did your branch take any action - take any steps to bring about a demobilization?

A. Well, the Engineering Corps being a federal matter, on its, the Executive Committee, it was some other Executive Council decision, and at that time it was more or less left up to him, and it was not until the past few months that a report was submitted for the consolidation of that course.

Q. And that was by?

A. By the Anti-Gambling - - myself.

Q. When was that?

A. Three or four months ago, sir. - perhaps a little longer.

Q. And that has been done just in the last month or two?

A. No, I would say possibly three or four months.

Q. I take it that during the period from 1924 to 1928, the only activity steps taken by your branch to bring about a

cancellation of any of the charters, that we have been discussingthis morning, was in the case of the Hamilton Businessmen's Bridge and Chess Club?

A. It was a Provincial charter, yes, sir.

Q. And all the other charters, except the Frontier, that were used, were in fact Federal charters, apart from the Hamilton one?

A. Yes, sir.

Q. Now, did anyone approach you, and suggest that steps be taken to put an end to the operation of the Ramsay Club at the Victoria Avenue address, 1693 Victoria Avenue?

A. Yes, sir. They did.

Q. Who was that?

A. That was Inspector Stringer of Number 8 District Headquarters, Peterborough.

Q. Now just relate to us, the circumstances under which this was done?

A. On August the 5th, Inspector Stringer contacted - - -

THE COMMISSIONER: When?

THE WITNESS: 1958, my lord.

THE COMMISSIONER: Yes?

THE WITNESS: On August the 5th, Inspector Stringer contacted me at my office, and stated that he had some confidential information

cancellation of any of the charges, that we have been discussing this morning, was in the case of the English Institute Friday and Saturday?

A. It was a Provincial matter, yes, sir.

Q. And all telephone charges, except the Frontier, that were used, were in fact Provincial matters, apart from the Railway case?

A. Yes, sir.

Q. Now, did you have conversations, and suggest that they be taken to pay for and to the operation of the Tamagy Club at the Victoria Avenue Bureau, July Victoria Avenue?

A. Yes, sir. They did.

Q. Do you know?

A. That was Inspector Stringer of Number 8 District Headquarters, Peterborough.

Q. Now just relate to us, the circumstances under which this was done?

A. On August the 5th, Inspector Stringer contacted - - -

THE CHAIRMAN: When?

THE WITNESS: 1959, my land.

THE COMMISSIONER: Yes?

THE WITNESS: On August the 5th, Inspector Stringer contacted me at my office, and stated that he had some confidential information

that he did not want to discuss over the telephone.

THE COMMISSIONER: Now don't go too quickly.

THE WITNESS: That he did not want to discuss over the telephone about the City of Peterborough.

THE COMMISSIONER: About the City of Peterborough?

THE WITNESS: Yes, sir.

MR. WILSON: Who was Inspector Stringer?

A. He is the inspector in charge of our Number 8 District headquarters at Peterborough.

THE COMMISSIONER: He called you and said he had some confidential information that he did not want to discuss over the telephone about the City of Peterborough?

THE WITNESS: That is correct, my lord.

THE COMMISSIONER: All right, go ahead.

THE WITNESS: And I asked if I could meet him for supper that evening. I arranged to meet him at the Forum Restaurant, which is situated on the Kingston Road in Scarborough.

THE COMMISSIONER: Forum?

THE WITNESS: Yes, my lord, Forum.

THE COMMISSIONER: The Forum Restaurant on Kingston Road?

THE WITNESS: Yes, my lord, in

that he did not want to discuss over the telephone.

THE COMMISSIONER: Now don't go too quickly.

THE WITNESS: That he did not want to discuss over the telephone about the City of Peterborough.

THE COMMISSIONER: About the City of Peterborough?

THE WITNESS: Yes, sir.

MR. WILSON: Who was Inspector Stringer?

A. He is the Inspector in charge of our Number 3 District headquarters at Peterborough.

THE COMMISSIONER: He called you and said he had some confidential information that he did not want to discuss over the telephone about the City of Peterborough?

THE WITNESS: That is correct, my lord.

THE COMMISSIONER: All right, go ahead.

THE WITNESS: And I asked if I could meet him for supper that evening. I arranged to meet him at the Forum Restaurant, which is situated on the Kingston Road in Scarborough.

THE COMMISSIONER: Yes?

THE WITNESS: Yes, my lord, Sir.

THE COMMISSIONER: The Forum Restaurant on Kingston Road?

THE WITNESS: Yes, my lord, Sir.

Scarborough.

THE COMMISSIONER: Yes?

THE WITNESS: We had supper together.

MR. WILSON: Now, just at that point, before we go into the details of that meeting, you took over as head of the Anti-Gambling Branch, was it, in April of 1955?

A. It was later than that, sir, in the fall.

Q. In the fall of 1955. Now, from that time up until this meeting with Inspector Stringer, had you had any dealings whatsoever with him in connection with the operations of your branch?

A. No sir, I hadn't.

THE COMMISSIONER: Just a moment, please. Yes?

MR. WILSON: Just tell us what occurred at this meeting?

A. Following our supper, Inspector Stringer produced a typewritten memorandum from a Corporal Gould.

THE COMMISSIONER: Just a moment. Yes?

MR. WILSON: You are producing a memorandum dated 4th of July, 1958. It is a memorandum for the District Inspector, Ontario Provincial Police, Number 8, DHQ, Peterborough, Corporal, re alleged gambling in

at Smith Township, and who is that signed by - it is not signed, is that correct?

A. It is not signed, that is correct.

MR. WILSON: That will be Exhibit 101.

THE REGISTRAR: Yes, 101.

---EXHIBIT NO.101: Memorandum dated 4th July, 1958 for the District Inspector Ontario Provincial Police, No. 8, DHQ., W.H.Gould Corporal, re alleged gambling in Peterborough at Smith Township.

THE COMMISSIONER: Just one moment. Yes?

MR. WILSON: Shortly, what is the substance of this memo of Corporal Gould's?

A. It is in connection with an alleged betting house within the City of Peterborough, and a gaming house outside, in Ontario Provincial Police territory.

Q. Now, what did Inspector Stringer want you to do about that?

A. He asked me if I wanted to look at the gaming house, or if you would rather that I let his men look after it, and I would look after the betting house. I told Inspector Stringer that as I was short handed at this time, it was the August annual leave, I asked him if he would look after the gaming house.

at Smith Township, and who is that signed by - it is not signed, is that correct?

A. It is not signed, that is correct.

MR. WILSON: That will be Exhibit 10.

THE COMMISSIONER: Yes, 10.

EXHIBIT NO. 10:

Photostatic copy of the City, Lock Box of the Bin Pilot Inspector Ontario Provincial Police No. 6, DDM., W.E.Doyle Superintendent, re alleged gambling in Peterborough at Smith Township.

THE COMMISSIONER: Why are we moving.

MR. WILSON: Shortly, what is the substance of this memo of Corporal Coulter?

A. It is in connection with an alleged betting house within the City of Peterborough, and a gaming house outside, in Smith's Township Police territory.

Q. Now, what did Inspector Stringer want you to do about that?

A. He asked me if I wanted to look at the gaming house, or if you would rather that I let him men look after it, and I would look after the betting house. I told Inspector Stringer that as I was about busted at this time, it was the August annual leave, I asked him if he would look after the gaming house.

Q. Was that in the Township?

A. That was in the Township.

Q. And the betting house was in the City of Peterborough?

A. Within the City of Peterborough, yes sir.

Q. And you said you would look after that?

A. Yes, sir.

Q. Now, is that all that was said at that time about this particular problem?

A. No, sir. He explained the betting house, that possibly it was not operating at this point, as the person in whose apartment it was located, had returned from the south.

THE COMMISSIONER: Now, just a moment. The betting house?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Who had been operating - - -

THE WITNESS: In his apartment it was operating, my lord, and he was returning or had returned from the south.

THE COMMISSIONER: Well, the suggestion being, that the owner of the apartment, or, whoever had control of it, had been away, and in his absence someone was operating a betting house?

THE WITNESS: Yes, sir, that is

Q. And the boarding house was in the city of Washington?

A. Within the City of Washington, yes, sir.

Q. And you said you would look after them?

A. Yes, sir.

Q. Now, is that all that was said at that time about this particular problem?

A. No, sir. He explained the boarding house, that possibly it was not operating at this point, as the person in whose apartment it was located, had returned from the south.

THE COMMISSIONER: Now, just a moment. (The writing began)

THE STENOG: Yes, sir.

THE COMMISSIONER: Who had been operating - - -

THE WITNESS: In his apartment it was operating, my lord, and he was returning or had returned from the south.

THE COMMISSIONER: Well, the suggestion being, that the owner of the apartment, or, whoever had control of it, had been away, and in his absence someone was operating a boarding house?

THE WITNESS: Yes, sir, that is

commonly done with bookmakers. Following this, Inspector Stringer mentioned that he had been up to his - I don't know whether he used the word cottage or lodge, in Algonquin Park, and that two young lawyers from Niagara Falls had dropped in.

MR. WILSON: Did he tell you the names of these lawyers?

A. No sir, he did not give me the names then, or at any time, and that they were quite concerned about a gaming house operating in Niagara Falls, and I took it from his conversation that one or both lawyers had been in to this gaming house, because I suggested to him that if one of the lawyers would take an officer in, and I in turn would have a second officer to go with the first, so that the lawyer would not become involved. Inspector Stringer made a few notations, or appeared to be making notations at this time, and thought that it was a good idea. We then parted, as he had an appointment, I believe it was in Bowmanville for that evening, with the understanding that he would contact me the following day. Inspector Stringer phoned me on the 6th of August and said that he could not keep the appointment and again he would phone me on the 7th.

THE COMMISSIONER: Yes?

personally dealt with arrangements. Continuing this, Property statement particularly that we had been up to this - I don't know whether he used the word cottage or lodge, in Algonquin Park, and that we have proceed from Niagara Falls had dropped in.

MR. WILSON: Did he tell you the name of those lawyers?

A. No sir, he did not give me the names then, or at any time, and that they were quite interested about a gaming house operating in Niagara Falls, and I took it from the conversation that one or both lawyers had been in to this gaming house, because I suggested to him that if one of the lawyers would take an officer in, and I in turn would have a second officer to go with the first, so that the lawyer would not become involved. Inspector Stringer made a few notations, or appeared to be making notations at this time, and thought that it was a good idea. We then parted, as he had an appointment, I believe it was in Bowmanville for that evening, with the understanding that he would contact me the following day. Inspector Stringer phoned me on the 6th of August and said that he could not keep the appointment and again he would phone me on the 7th.

MR. COMMISSIONER: That

THE WITNESS: I met him again in the parking lot of the restaurant, and we sat - - -

THE COMMISSIONER: When?

THE WITNESS: On the 7th of August, my lord.

THE COMMISSIONER: Yes?

THE WITNESS: At which time he handed me a nine page typed brief.

MR. WILSON: Now, this document that I show you, is this the brief that you speak of?

A. Yes.

Q. Which is headed, "Re Ramsay Club, 1693 Victoria Avenue, second floor, Niagara Falls, Ontario, owner of building James Secco." ?

A. Yes, sir.

Q. And it has "Ex.10" written on it, I take it that that is something that has been put on it at some other proceeding?

A. Yes.

Q. That will be Exhibit number 102.

---EXHIBIT NO. 102: Nine page document headed "Re Ramsay Club, 1693 Victoria Avenue, Second Floor, Niagara Falls, Ontario, owner of building, James Sacco".

(Page 2250 follows)

THE WITNESS: I met him again in the parking lot of the restaurant, and we sat - - -

THE COMMISSIONER: Sorry

THE WITNESS: On the 7th of August, my last.

THE COMMISSIONER: Yes?

THE WITNESS: At which time he handed me a nine page typed brief.

MR. WILSON: Now, this document that I show you, is this the brief that you speak of?

A. Yes.

Q. Which is headed, "The Ramsay Club, 1893 Victoria Avenue, second floor, Niagara Falls, Ontario, owner of building James Sacco."

A. Yes, sir.

Q. And it has "Ex.10" written on it, I take it that is something that has been put on it at some other proceeding?

A. Yes.

Q. That will be Exhibit number 102.

---EXHIBIT NO. 102: Nine page typewritten document "The Ramsay Club, 1893 Victoria Avenue, Second Floor, Niagara Falls, Ontario, owner of building, James Sacco".

(Page 2250 follows)

THE COMMISSIONER: Have you got copies of that?

MR. WILSON: Yes. I propose to read this document, Mr. Commissioner, but do you want me to do it now?

THE COMMISSIONER: Well, whatever you decide.

MR. WILSON: I was just wondering whether I should get the rest of the story as to what statements were made by Inspector Stringer at the time he turned it over.

THE COMMISSIONER: Well, you know best.

MR. WILSON: I think by that time we may have come to the mid-morning break and then I can read the rest of it after.

Q. What did Inspector Stringer say to you about this document? Did he tell you where he got it from?

A. No, sir, he didn't. I was---

Q. Did you ask him?

A. No, he didn't bring up this subject of the lawyers again. I didn't ask him where he got it from.

Q. And, what did he suggest? Did he tell you who had prepared it?

A. No, sir, he did not.

Q. Well, now, I direct you -- Have you got a copy of your report?..

A. Yes, sir.

Q. ...of August 12th, 1958, in front of

Mr. COMMISSIONER: Are you ready to

show?

Mr. WILSON: Yes. I propose to read this document, Mr. Commissioner, but do you want me to do it now?

THE COMMISSIONER: Well, whenever you decide.

Mr. WILSON: I am just hesitating having I should get the rest of the story as to what steps-- marks were made by Inspector Strathmore at the time he turned it over.

THE COMMISSIONER: Well, you have been.

Mr. WILSON: I think by that time we may have come to the cut-off point at which I am read the rest of it either.

Q. What did Inspector Strathmore say to you about this document? Did he tell you where he got it from?

A. No, Mr. Commissioner, I was--

Q. Did you say that?

A. No, he didn't being up this subject of the lawyers again. I didn't ask him where he got it from.

Q. And, what did he say? Did he tell you what he had prepared it?

A. No, sir, he did not.

Q. Well, now, I assume you -- have you got a copy of your report?

A. Yes, sir.

Q. And again this, I'm, to tell you a

you?

A. I have, sir.

Q. And, look at page 3: I am quoting from it:

"I was also advised by Inspector "Stringer..."---

THE COMMISSIONER: Just a moment. The report dated what?

MR. WILSON: August 12th. I propose to put it in, Mr. Commissioner. August 12th, 1958.

Q. Quoting from page 3:

"I was also advised by Inspector "Stringer that Magistrate Roberts had a "'hand' in drafting the nine page letter "but that if I was talking to him about it -- "as suggested in the letter -- it would be "advisable not to let on to him (The "Magistrate) that I knew."

A. That is correct, sir.

Q. Now, was that all that Inspector Stringer told you on that occasion?

A. Yes, sir.

Q. Well, I find that a little inconsistent with your answer to the question as to whether he told you who had prepared it.

A. I am in error there, sir; he did mention Magistrate Stinger (sic).

THE COMMISSIONER: Q. Magistrate who?

A. Magistrate Johnston Roberts.

MR. WILSON: Q. Yes?

Q. I have, sir.

Q. And, look at page 34. I am quoting from it:

"I was also advised by Inspector Strickson..."---

THE COMMISSIONER: Just a moment. The record shows that

MR. [illegible]: I apologize to you, Mr. Commissioner. August 12th, 1974.

Q. Quoting from page 34:

"I was also advised by Inspector Strickson that Magistrate [illegible] in drafting the nine page letter "based" in drafting the nine page letter "but then if I was talking to this person it -- "it happened in the latter -- it could be [illegible] to get to be the time [illegible] "[illegible]) that I know."

Q. That is correct, sir.

Q. Now, was that all that Inspector Strickson said prior to that conversation?

A. Yes, sir.

Q. Well, I find that a little inconsistent with your answer to the question as to whether he told you who had prepared it.

A. I am in error there, sir; he did mention Magistrate Cooper (sic).

THE COMMISSIONER: Q. [illegible] that?

A. [illegible]

MR. WILSON: Q. Now?

A. I am thinking on the same lines as before, of the lawyers; he didn't mention lawyers' names. He did mention Magistrate Johnston Roberts.

Q. Well, did he indicate what his interest was in this matter?

THE COMMISSIONER: Whose interest?

MR. WILSON: Q. That is, Inspector Stringer's interest?

A. Only that the two lawyers from Niagara Falls had contacted him and wanted something done about these premises.

THE COMMISSIONER: Q. Why would they contact him; he had nothing to do with the anti-gambling squad, nor had he jurisdiction over Niagara Falls?

A. None whatever.

Q. Well, didn't you say Why did he go to him, and why didn't you come to me?

A. It is possible -- They were two lawyers, it is possible they were---

MR. WILSON: Q. Was that all the discussion you had with Inspector Stringer on that occasion?

A. No, sir, there was other things mentioned.

Q. Well, what other things mentioned?

THE COMMISSIONER: Show him the report. Have you the report there?

THE WITNESS: I have it, sir.

THE COMMISSIONER: Q. Refresh your memory.

MR. WILSON: I will file that, Mr. Commissioner, as Exhibit 103. It is the report

A. I am thinking on the same lines as before, of the lawyers; he didn't mention lawyers' names. He did mention Englewood Johnson politics.

Q. Well, did he indicate what his interest was in this matter?

THE CONTRIBUTOR: Whose interest?

MR. GIDEON: Q. What is, Congressman Martineau's interest?

A. Was that the Jackson-Jones Election Petition that prevented his seat being immediately then about these penalties.

MR. CONTRIBUTOR: Q. Why would any contractor hire he had nothing to do with the work-punching sound, nor has he jurisdiction over Hudson Bailey?

A. Just whatever.

Q. Well, didn't you say you can be so to him, and why didn't you come to me?

A. It is possible -- they were two lawyers, so it is possible they were---

MR. MIGNONE: Q. Was that all the discussion you had with Inspector Kostopoulos on that occasion?

A. No, sir, there was other things mentioned.

Q. Well, what were other matters mentioned?

THE CONTRIBUTOR: Show the lawyer.

Have you the report there?

THE WITNESS: I have it, sir.

THE CONTRIBUTOR: Q. Refresh your memory.

Q. WITNESS: I will read that, sir.

Commissioner, mentioned Q. Is the report

of the witness, dated August 12th, 1958, re Ramsey Club, 1693 Victoria Street, 2nd Floor, Niagara Falls, Ontario.

Have you a copy of that for the Commissioner?

---EXHIBIT 103: Report of J. M. Anderson, dated August 12th, 1958, re Ramsey Club, 1693 Victoria Street, 2nd Floor, Niagara Falls, Ontario.

THE WITNESS: Inspector Stringer also mentioned the fact that the main floor at 1693 Victoria Avenue was a post office, and that it might be possible to get in there and down the basement and take a plate off of the downpipe and get the dice as they were dropped down.

MR. WILSON: Q. Did he tell you who had given him this information?

A. No, sir, he did not. He also wanted to know if Corporal Shrubb (at that time) was still away on holidays, and if there was any reason why I should have to wait until he returned. He also---

Q. Did he state to you why he made that statement about Shrubb?

A. No, sir, he did not -- well, pardon me: To go on there---

THE COMMISSIONER: Q. Just a moment. He wanted to know if there was any reason why you had to wait to do what?

A. To raid the Ramsey Club premises, sir. He did indicate---

Q. Well, what did you say in reply?

of the witness, dated August 12th, 1924, to
Henry Cox, 1401 Victoria Street, San Diego,
California Walk, Omaha.

Have you a copy of that for the Commissioner?

---DEPOSIT 1401- Report of J. M. Anderson, dated August 12th, 1924, to Henry Cox, 1401 Victoria Street, San Diego, California Walk, Omaha.

THE WITNESS: Impossible. Mr. Stringer also mentioned the fact that the main Plant at 1401 Victoria Avenue was a poor office, and that it might be possible to get in there and down the basement and take a photo off of the dumpling and get the line if they had checked down.

MR. WILSON: Q. Did he tell you who had given him this information?

A. No, sir, he did not. He also wanted to know if Congressman Brown (in that town) was still away on holiday, and if there was any reason why I should have to sit down to witness. He also---

Q. Did he speak to you why he made that statement about Brown?

A. No, sir, he did not -- well, perhaps not. He go on there---

THE COMMISSIONER: Just a minute. He wanted to know if there was any reason why you had to wait to do what?

A. To read the Lumber Club proceedings, sir. He did introduce---

Q. Well, what did you say to him?

A. I told him, sir, that it was not necessary.

Q. Yes?

A. He then indicated that---

Q. Well, "indicated" -- what did he say?

A. Words to the effect, sir, that it might be better if I was to do it before Corporal Shrubb returned.

Q. Did he say why?

A. No, sir, he did not. He did state, though, or asked me if I thought that perhaps Corporal Shrubb was not trying to turn the men of the Branch against me, and that---

Q. Just a moment. Turn the men of the Branch against whom?

A. Against myself, sir.

Q. Go ahead.

A. Leading them to believe that he might be a better man in my place.

Q. Yes?

A. I informed the inspector that I was aware that during the shake-up in 1954, of the Branch, when the Late Inspector Tomlinson returned, that he had been more or less promised -- that is, Shrubb had been more or less promised -- he would be made a Sergeant in charge of the Branch.

Q. Yes?

A. So, I informed him, my lord, that

A. I said his, sir, that it was not necessary.

Q. Yes?

A. [illegible]

Q. Well, "indicated" -- what did he say?

A. Words to the effect, sir, that it might be better if I was to do it before Counsel Smith resumed.

Q. Did he say why?

A. No, sir, he did not. He did say, though, or words to the effect that perhaps Counsel Smith was not trying to take the sun of the Bench against us, and that--

Q. Just a moment. Then the sun of the Bench against whom?

A. Against myself, sir.

Q. Go ahead.

A. Meaning that he thought that he might be a better man in my place.

Q. Why?

A. I informed the Inspector that I was aware that during the mine-up in 1964, of the Inquiry, when the Late Inspector Gentleman returned, that he had been more or less promoted -- that is, Pirozzo had been more or less promoted -- he would be made a sergeant in charge of the Branch.

Q. Yes?

A. The I informed him my feeling that

the job was nothing but a big headache, and that if it was felt that I should be removed, that I was not going to worry about it.

Q. Yes.

MR. WILSON: Q. The Magistrate Roberts that you speak of in your reports, he is the Magistrate at Niagara Falls?

A. Yes, sir.

Q. And, a member of the Police Commission?

A. Yes, sir.

Q. And, he had been active, I take it, for some years in trying to close down this gambling establishment?

A. I don't know as he had been active at that time, sir, only after the dismissal of the charges. I mean, he had informed me once that he heard that the place was going to open up on Stanley Avenue.

Q. Well, did you check out with Magistrate Roberts this suggestion that he had had a hand in this brief?

A. Not with Magistrate Roberts, sir, I didn't. I did later when I went over to see Mr. Forestell, the Crown Attorney; I mentioned this fact to him, and Mr. Forestell, I recall, was quite put out about that suggestion, and denied that the Magistrate would have any knowledge.

Q. But, you have not made any personal

the job was nothing but a big nuisance, and now if it was felt that I should be removed, that I was not going to worry about it.

Q. Then [illegible]

MR. KIDDER: Q. The employment agency that you speak of in your reports, is its [illegible] in Chicago [illegible]?

A. Yes, sir.

Q. And, a member of the Italian Commission?

A. Yes, sir.

Q. And, he had been active, I take it, [illegible] in trying to place Joe Vita [illegible]?

A. I don't know as he had been active as that, sir, only after the dismissal of the charges. I mean, he had informed me once that he heard that the place was going to shortly on [illegible].

Q. Well, did you check out with Magistrate Roberts this suggestion that he had had a hand in this [illegible]?

A. Not with Magistrate Roberts, sir, I didn't. I did know when I went over to see Mr. Buchanan, the [illegible] attorney, I mentioned this fact to him, and Mr. Donovan, I recall, has quite [illegible] and I [illegible] that the [illegible] had [illegible] judge.

Q. Mr. [illegible] had been [illegible]

check, yourself?

A. No, sir, I didn't check with the Magistrate.

Q. Now, in addition to your report of August 12th, 1958, you also made certain references to these events, I take it, in your police diary?

A. Yes, sir.

Q. And, have you got your police diary there?

A. For 1958, yes, I have, sir.

Q. Well, what is the first reference in your police diary?

And that, we had better make Exhibit 104.

---EXHIBIT 104: Police diary of J. M. Anderson.

MR. WILSON: Q. The first reference is under what date?

A. August -- it is August 5th, 1958.

Q. And, what does it read?

A. Do you want the full page, sir?

"8:30 a.m. Report for duty..."---

Q. I just want the part that is relevant.

A. Oh. "Contacted by Inspector "Stringer to meet at 6:p.m. Scarborough "re gambling."

Q. Yes. Is that all there is on that?

A. "5:15 p.m. Contacted by Inspector "Stringer. 5:30 p.m. to 7:30 p.m. with "Inspector Stringer. Discussed gambling

Chief, personally?

A. No, sir, I didn't speak with the Captain.

Q. Now, in addition to your report of August 18th, 1929, you also made another entry in this events, I take it, in your police diary?

A. Yes, sir.

Q. And, have you got your police diary there?

A. Yes sir, I have, sir.

Q. Well, what is the first reference in your police diary?

And then, we had better make exhibit 20A.

---(Exhibit 20A: Entry diary of J. E. Anderson.

MR. WILKINS: Q. The first reference is under what date?

A. August -- 18 to August 19th, 1929.

Q. And, what does it read?

A. Do you want the full page, sir?

"8:30 a.m. Report for duty..."---

Q. I just want the part that is relevant.

A. Oh. "Interrogated by Inspector

"Sergeant to meet at 6:p.m. Sourbrough

"in question."

Q. Yes. Is that all there is on that?

A. "9:15 p.m. Interrogated by Inspector

"Thickson. [illegible] on 1434 [illegible]

"[illegible]. Witnesses [illegible]

"Peterborough -- Peterborough vicinity;
"gambling house, Niagara Falls, re Ramsay
"Club. Special report attached hereto
"for future reference."

Q. Well, now, what is the "special report attached hereto" that you mention here?

A. That has to do with the August 12 report, sir.

Q. That is, in fact, the August 12 report?

A. Yes, sir.

Q. Which we have marked here as Exhibit 103.

What is your next reference in your police diary to these events?

A. "August 6th Contacted by Inspector
"Stringer re Niagara Falls; to telephone
"again on Thursday."

And,

"August 7, 6:00 p.m. Contacted by
"Inspector Stringer. 6:45 met Stringer
"at Plaza, Kingston Road, Forum Restaurant;
"nine page document re Ramsay Club, Niagara
"Falls."

Q. Well, then, while you have that diary open, have you got an entry of August 14th of an interview that you had with Mr. Forsentell, the Crown Attorney at Welland?

A. Yes, sir, I have.

Q. How does it read?

[illegible] — interrupted visibly,

"Dwelling house, Dodge Mills, on Queen

Vine. Useful report already being

"for future reference."

Q. Well, now, what is the "special

sound alarmed report" that you mentioned?

A. That has to do with the August 12

report, sir.

Q. That is, in fact, the August 12

report?

A. Yes, sir.

Q. Which we have marked here as

exhibit 103.

What is your next reference in your police

diary to these events?

A. "Report [illegible] by Inspector

"Stubbers re Ptarmus Railway telephone

"cable on Thursday."

Ans.

"Friday 7, 1920 S.M. communicate by

"Inspector Stubbers [illegible] and Sergeant

"at Vine, Ptarmus [illegible]

"[illegible] at Jenny View, Ptarmus

"Valley."

Q. Well, then, while you have that

diary open, have you got an copy of August 1st

of an interview that you had with Mr. Prentice,

the Town Clerk, [illegible]?

A. Yes, sir, I have.

Q. You have it [illegible]

A. "To Welland; contact Crown Attorney, "Mr. Forestell, re Ramsay Club, Niagara "Falls."

Q. What was your meeting with Mr. Forestell, what was the purpose of that?

A. Well, that was to take the brief over to him, sir, so that he could read it over, and so that we could raid the premises.

THE COMMISSIONER: Q. When was that?

A. August 14th, 1958, my lord.

Q. August 14th, 1958 you took the brief over to him?

A. Yes, sir.

MR. WILSON: Q. What did he have to do with your raiding the premises?

A. Nothing in so far as the raiding itself was concerned but, as outlined in there -- but possibly taking found-ins before a Justice.

Q. Under the examination section?

A. That is correct, sir. If it had been under normal circumstances, why, it wouldn't be necessary.

Q. But on that occasion you discussed with him about a statement about Magistrate Roberts?

A. That is correct, sir.

Q. Now, did you at that time have any opinion or any basis for an opinion as to the authorship of the document in question, this nine-page brief?

Q. "Do million? Another Cross Atlantic,

"Mr. Lindbergh, in Spirit Fine, Stopped

"Paris."

Q. What was your meeting with Mr.

Lindbergh, that was the purpose of that?

A. Well, that was to take the hotel

over in him, this so that he could rest it here,

and so that we could rent the premises.

Mr. CONSTANTINOS. When was that?

A. August 14th, 1928, my lease.

Q. August 14th, 1928 you took the hotel

over to him?

A. Yes, sir.

Mr. KLEMUN: Q. What did he have to do with

your renting the premises?

A. Within 24 or 48 the patrons

itself was concerned but, as outlined in these --

but carefully taking fixed-lee before a Jewish.

Q. Make the something another

A. That is correct, sir. If it had

been under normal circumstances, why, it would't

be necessary.

Q. Did on that occasion you discussed

with him about a statement about Negotiate

Sewing?

A. That is correct, sir.

Q. Now, did you at that time have

any opinion or any basis for an opinion as to

the authenticity of the document in question, this

Lindbergh Ticket?

THE COMMISSIONER: Well---

THE WITNESS: Well---

THE COMMISSIONER: Just a moment. Let us take a ten-minute recess.

---Whereupon the Commission recessed at 11:50 a.m.

- - - - - -

---Upon resuming at 12:02 p.m.

JOHN MILLS ANDERSON resumed the witness stand

EXAMINATION BY MR. WILSON (CONTINUED):

Q. Now, I think I asked you at the adjournment whether you had any basis in fact for determining the authorship of this brief, Exhibit 102, at the time it was delivered to you, or up to the time of the raid?

A. I had no direct basis for it, sir, other than my own feelings in the matter.

Q. Well, did you ever at a later date ascertain factually who the author was or authors were?

A. I did, in talking to Mr. David Humphrey, the lawyer.

THE COMMISSIONER: Q. When?

A. I was trying to think of the date, sir; it was the time of the Wright and Feeley trial of this year, and I was talking to Mr. Humphrey, and he stated that Mr. McDermott wanted he (Mr. Humphrey) to defend him at the trial, but Mr. Humphrey felt that he couldn't, because

[illegible]

THE WITNESS: Well—

THE COMMISSIONER: Just a moment. Let me make a [illegible] point.

—Discussion [illegible]

- - - - - -

—Case adjourned at [illegible] p.m.

[illegible] resumed the witness stand

EXAMINATION BY MR. NIXON (CONTINUED):

Q. Now, I think I asked you at the [illegible] whether you had any basis to doubt the authenticity of this letter, Exhibit 1C5, at the time it was delivered to you, or up to the time of the audit?

A. I had no digest beside the 12½ sic, where that is the [illegible] in the audit.

Q. Well, did you ever at a later date ascertain internally that the letter was or was not genuine?

A. I did, in talking to Mr. Davis [illegible], the lawyer.

THE COMMISSIONER: Q. Great?

A. I was trying to think of the date, but it was the time of the hearings and Keating trial of this year, and I was talking to Mr. [illegible], and in stating that Mr. [illegible] had to defend him on the trial, but Mr. [illegible] felt that he [illegible]

he might be involved, because he said that Mr. McDermott stated that -- words to the effect, my lord -- that even if they could or can prove that we had something to do with the brief, so what?

Q. I want to get that. He told you that McDermott had wanted Humphrey to defend McDermott at the trial?

A. Yes, sir.

Q. He thought he couldn't because he felt that he, Humphrey, might be involved?

A. Yes, sir.

Q. I didn't get the rest of what you said.

A. I was quoting what McDermott said to Humphrey was that, as I say, words to the effect, that supposing they can prove that we had something to do with the brief, so what?

Q. Supposing they can prove... Yes?

A. That terminated it, sir. I was just speaking with Mr. Humphrey for a few minutes.

Q. Who was the "we"? Oh, McDermott is talking to Humphrey?

A. I---

Q. Just a moment. And, according to Humphrey, McDermott said, "Supposing we had something to do with the brief, so what?"?

A. That's right, sir.

Q. Then, McDermott would be one of the "we"?

A. That is correct, sir. In other

he might be involved, because he said that Mr. Hollamount stated that -- owing to the effect, or lack thereof, if they knew he was just, that we had something to do with the burial, so what?

Q. I want to get this. Do tell you that statement had second thoughts or defined differences on the trial?

A. Yes, sir.

Q. Or thought he wouldn't because he felt that he, Humphrey, might be involved?

A. Yes, sir.

Q. I didn't get the part of what you said.

A. I was quoting what Hollamount said to Humphrey was that, as I say, owing to the effect, that supposing they can prove that we had something to do with the burial, so what?

Q. Following that you quote... [illegible]

A. That hypothetical if, etc. I had just finished what my lawyer is the matter.

Q. Following the effect... [illegible] in talking to Humphrey?

A. I---

Q. Just a moment. And, according to Humphrey, Hollamount said, "Supposing we had something to do with the burial, so what?"

A. That's right, sir.

Q. Then, Hollamount would be one of the "we"?

A. That is correct, sir. It would

words, McDermott and, I would say, Mr. Humphrey would be the "we"?

Q. Yes, I see.

MR. WILSON: Now, I think at this point I might read this brief.

THE COMMISSIONER: Q. You better take a chair.

THE WITNESS: Thank you. All right, sir.

MR. WILSON: "Re Ramsey Club
"1693 Victoria Street, 2nd Floor,
"Niagara Falls, Ontario.
"Owner of building: James Sacco
"Dominion of Canada Charter - not bona-fide
"under the Canadian Companies Act.

"The Companies Act have many "rules and requirements with which the "above mentioned Club fail to comply.

"After charges are laid the onus "is on the club to prove they are a "bonn fide social club. Therefore, at "the time of the raid all books, such "as minute books; account books; along "with all bills, should be taken as "exhibits and evidence. If the books are "not on the premises the Steward should "be asked where they are kept. If they "are kept at a lawyer's office, or an "accountant's office, these books should "be immediately seized under a search "warrant as they will play an important

"part in the prosecution if you are
"forced to go this far, which I am sure
"will not be necessary.

"The Companies Act says the books
"must be kept on the premises and that
"meetings must be held, and minutes must
"be kept. The three officers of this
"Club have never attended any meetings;
"do not have any minutes; and will not
"be in a position to manufacture any. The
"three officers should be questioned as
"soon as possible at the time of the raid,
"or immediately after, as to club affairs -
"such as....

"1. Where Minutes of meetings are
"kept.

"2. Where meetings are held.

"3. How they were nominated for their
"positions.

"4. Who attended these meetings.

"5. If there was a quorum present
"and who the members were comprising
"this quorum.

"6. If permission to move this
"Charter from Fort Erie to Niagara
"Falls has been granted by the
"Companies Department, and how
"representation to do this was made.
"Here again we will find a breach
"of the Companies Act.

"In going over the Companies Act "there are many requirements which this "Club fails to abide by. Therefore, they "fail far short of being a bona-fide social "club.

"The learned Magistrate, in judging "this case must first decide if this Club "is an incorporated bona-fide social club, "or branch thereof, in order for this Club "to be given the exception mentioned in "sub-section (2) of Section 168 of the "Criminal Code.

"Dealing with prima facie evidence "which will be more than sufficient to "warrant laying charges:-

"1. <u>Reputation</u>

"These premises have previously "been convicted of being a common "gaming house, and the local police "have had many complaints. There "is no doubt that the reputation of "this place, and its patrons, is "nefarioun.

"2. <u>Tangible Prima Facie Evidence</u>

"(a) Three locked and bolted doors - "should be removed for evidence.

"(b) Barricaded windows.

"(c) Electric buzzer from first hallway "leading to upstairs door.

"(d) Inside first door an American doorman

"with key in his pocket to second
"locked door. His name is Izzadore Seigal,
"alias 'Gimpy' - convicted gambler with
"extensive record. This man, if questioned
"in private before a Justice of the Peace,
"or Magistrate, pursuant to Section 174
"(Examination of persons arrested in dis-
"orderly houses) as to how he is in
"possession of key to second door, and
"who hired him - from whom he receives his
"pay, and what signal he gives on the
"buzzer to open the top door, will, if
"segregated and not allowed to be prompted
"by his fellow co-workers would be quite
"informative.

"3. The delay in opening doors should be
"timed.

"4. Playing cards.

"(a) Each deck of playing cards found
"on the premises should be checked
"carefully and it should be noted
"which cards are missing, as playing
"cards are used by the bankers of
"the game to indicate on which number
"the patrons place their bets. The
"cards used would be as follows:

"Four, Five, Six,

"Jack (which indicates Eleven)

"Three card indicates Craps

"Eight, Nine and Ten

"Each dealer would have a set
"comprising of these cards. All playing
"cards should be checked carefully as the
"ones used the most would be more dis-
"coloured, and the cards used as lay-outs
"become marked by the sharp corners of the
"dice hitting them.

"The strongest evidence, and the most
"damaging to the accused will be enormous
"amount of cash found on the Keepers.
"This money will all be brand new American
"currency. Under examination this money will
"show that each bill has been rubbed or
"soaped (as it is called in professional
"gambling circles) with tailors wax. The
"type of wax that is used by tailors to
"mark cloth. This money is so treated
"before every game. The wax used will be
"found on the premises, or on the accused.
"An analysis by the Provincial Police Crime
"Lab will show that it is the same tailors
"wax found on the premises that is rubbed
"on the back and front of all new money
"used on these premises. Along with this
"evidence there will be found money
"wrappers with the bank's name where all
"this new money is purchased. Further,
"this new money will all run in sequence,
"therefore, patrons found on the premises
"will have in their possession new American

"money of the same sequence of serial
"numbers with tailor's wax rubbed on the
"back and front. It will be interesting
"to hear a reasonable explanation for
"finding some Thirty Thousand Dollars in
"American currency on these premises, for
"this is the amount required to bank this
"operation.

"A large number of manila
"envelopes should be used to hold each
"patron's valuables as he is thoroughly
"searched. It will be found that most of
"the patrons money will contain some of
"this newly waxed American money of the
"sequence corresponding with the money
"found on the keepers. The patrons should
"be asked if they have had any financial
"transactions with the accused, and how
"they came to be in possession of this
"money. The money wrappers found will
"determine at which bank this money has
"been obtained, and in what quantity, and
"by whom.

"6. The pool table will tell an interest-
"ing story! By removing the green felt
"at the time of the raid the Crime Lab
"will be able to show that this cloth has
"been worn in four distinct places where
"the four dealers of this banked game stood
"and worked. These worn spots will be

"saturated with tailors wax and salt from
"perspiration off the hands of the dealers while
"they toil at their trade. If the cloth
"is photographed under infra ray light
"it will show where the playing cards were
"placed in their positions on each side
"of the four dealers.
"7. Another damaging piece of evidence will
"be two dixie cups stuck together with
"glue, which is used as a dice cup. As
"these cups wear out or become used,
"approximately every half hour, a new cup
"is made up. The old one is usually torn
"up and thrown in a waste paper basket.
"These scraps should not be overlooked.
"Your Lab will once again be able to show
"dice marks on inside of cup, along with
"lint from pool table cloth. This will
"confirm that these cups were used to
"roll dice on the pool table. The glue
"found on the premises should also be
"taken as evidence.
"8. A photographer and finger print man
"will add to strengthen your case. The
"keepers, under the Code, should be
"finger printed and in so doing you will
"find that caught in the net are two
"notorious New York hoodlums - one
"Benjamin Nicoollitti, and Dominic
"Mantele, who are the number one bosses.

"They may have false credentials in
"their possession but I feel sure that
"the F.B.I. or the Buffalo Police
"Department will be able to supply you
"with mug shots of these two desperados."...

(Page 2280 follows)

"American Keepers:

"Benjamin Miccollitti - American -
"Top Mafia boss. Lengthy record and
"if charged will abscond bail.
"Will be found in main club room -
"usually sits on ladder overlooking
"crap game. (Take ladder as
"evidence).

"Dominic Mantele - American - lengthy
"record. His job is to sit on cash
"or bank roll money. Will be found
"to have in his possession consider-
"able money, and dice. Any papers
"or figures found on this man
"should be examined well (do not
"overlook his cigarette package).

"Frank Cabello - American - works as
"dealer. Will have considerable
"bank roll money.

"Carl Maize - American - Dealer.

"Samuel Perri - American - Dealer.

"Danny Zamoniezo (Sansonese) - American -
"Dealer.

"Frank Magardito - American - Dealer.

"Izzadore Seigel - American - Doorman
"downstairs - possesses key to let
"patrons in to second floor. May
"lay key on floor. Uses buzzer to
"signal upstairs. Convicted hoodlum
"and very feeble-minded.

"These are the eight Americans
"who should definitely be charged.
"They can all be counted on to
"abscond their bail. Therefore,
"the Justice of the Peace should
"be advised that this is a serious
"offence and the penalty could be two
"years less one day, and a large
"bail should be asked for these
"accused - not less than three
"thousand, and preferably five thousand -
"cash!
"Canadian Keepers:
"Ralph Aggretto - Steward of club -
"Believed to have previous con-
"viction. Should be questioned
"very thoroughly on how he got to
"be an oficer of the club and every-
"thing pertaining to its operation
"and management. If this witness is
"properly handled will tell the truth
"behind the club's true operations.
"He is a very frightened individual
"and has been promised by the rest
"of the Canadian bosses that nothing
"can go wrong and that he could not
"get into any trouble as they have
"strong political connnections.
"Peter Sacco - Convicted gambler -
"brother of landlord of building. Helps

"out on door at top of stairs.

"Albert Iannuzzeli - Top Canadian boss
"and responsible for convincing the
"Americans that they could come to
"no harm as long as he was their
"local politician. Believe this
"fellow is smart enough not to be
"found on the premises as he is the
"holder of motel licences and the
"president of a finance company,
"whose charter was issued in his name
"by the Dominion of Canada. If you
"are lucky enough to find this
"person on the premises you would be
"well advised to charge him as a
"keeper. In doing this he would
"advise his brother, who is sure to be
"on the premises, to plead guilty and
"thereby let Albert off by making a
"deal.

"Louis Iannuzzeli - Brother of Albert.
"His job is to count the money and
"keep figures and see that the Canadian
"partners get their fair share of the
"profits. Therefore, any figures or
"papers found on this man should be
"compared with figures and papers found
"on the American top bosses, as both
"combinations must keep figures on
"their person.

"Michael Paul - Convicted gambler.
"Watchman on roof of building.
"Peter Mitchell - Has lunch counter
"concession, and has convinced the
"rest of the Canadians that he has
"an inside track with the Anti-
"Gambling Squad and will be able to
"tell them when the place is to get
"raided.
"John Sicconie - Lookout man in cubby
"at rear of second floor overlooking
"back of premises.
"Observation: In observing these
"premises it should be noted that the
"two principal Canadian keepers (Albert
"and Louis Iannuzzeli) own and operate
"a Motel under the name of 'Hilltop'
"directly opposite across the railway
"tracks from these Club premises.
" This Motel is the meeting
"place each and every night of the
"principals in this large-scale gambling
"operation. It will be noted that
"Benny Niccollitti and Dominic
"Mantele arrive at this Motel between
"eight and eight-thirty each night.
"They proceed into the office
"of the Motel where a safe containing
"American money and dice and paraphernalia
"is kept. After checking their equipment

"and taking what money will be needed
"to start off with they proceed to
"walk across the railroad tracks to Club
"premises. Niccollitti's Cadillac
"car bearing State of New York
"license plates is left parked at
"the Motel, along with cars belonging
"to most of the other American
"keepers.
" If one of your men was to
"register at this Motel and remain
"a couple of days this pattern could
"be verified, and at the time of
"executing your warrant on Club premises
"a further warrant should be executed
"at the Motel premises. The Motel safe
"will contain balance of American
"money in the same sequence found
"on the accused men, along with dice,
"glass croupier sticks and other
"paraphernalia which you will have
"no trouble tieing in with Club
"operation. Dealers cars found on
"Motel premises should be searched
"for fire arms.
" This same procedure takes place
"at the end of each night's operation.
"Once again these gentlemen can be
"observed returning across the tracks
"going in to the office safe and putting

"their equipment away. If your officer
"does not have a good view of the Club
"premises from his Motel room he should
"request a change where he can observe
"more closely the large operation and
"routine procedure which takes place
"each and every night.
" The glass croupier sticks
"mentioned on preceding page were
"made to order for Peter Sacco, one
"of the Canadian keepers. They
"were manufactured by the Ace Leon
"Signs, Fallsview, Ontario. If
"inquiries are made at this company
"as to what purpose these hollow
"glass tube sticks were panufactured
"this will be a damaging piece of evidence
"against the accused. On your raid
"at the Club premises this hollow glass
"tube cane will be smashed or hidden,
"therefore, fragments of the glass cane
"should be swept up and turned over
"to the Crime Lab for reassembling.
" I would suggest that Magistrate
"Roberts of Niagara Falls, Ontario,
"be advised of your intentions in
"this matter, and possibly he will
"consent after reading this brief to
"disqualify himself from hearing this
"case and act as a Justice of the

"in the interrogation of the people
"found on Club premises, pursuant to
"Section 174 of The Canadian Criminal
"Code. If this procedure is adopted
"a prearranged list of some thirty
"questions should be put to the
"patrons, such as:
"1. Ask if they are a member
"of this Club.
"2. When they became a member
"of this Club.
"3. If they paid a membership fee,
"and to whom.
" After a few routine questions
"it will be quite apparent that this
"whole affair is a fictitious fraud,
"and that there is nothing bonafide
"about this operation.
" It would be essential that
"the people found therein be
"questioned in private in order
"that one individual would not know
"what the other person questioned
"has said. Thereby you will obtain
"a vast array of answers.
" If the eight or ten keepers
"were immediately segregated the
"others would have no opportunity
"to be coached or threatened.
" I would further suggest that

"immediate steps be taken to cope
"with this situation because as
"each day passes it becomes
"more involved. If there is a lapse
"of much time many of these loop-
"holes which I have mentioned will
"slowly but surely be mended. My
"reason for saying this is that
"their financial position strengthens
"each days this operation continues,
"thereby enabling them to hire or obtain
"more experienced legal advice, along
"with other individuals helpful
"in this respect.
" I hope that this brief will be
"helpful to you in your efforts to
"bring this Club to a just a speedy
"trial."

Q. Now, Witness, if you would resume the stand. There are certain suggestions here. Did you find when you got into the Club premises that what you had expected to find was in fact there?

A. Going according to this (indicating brief), sir?

Q. Yes, just on the basis of this brief?

A. Yes. Not everything but mostly, yes.

Q. Such as the locked and bolted

doors?

A. There was a man, Seigel was downstairs at the front door. There was a second door which was opened by an electric buzzer system from the second floor. And there was a bolted door on the stairway at the second floor.

Q. Did you find the cards that were used?

A. We found some cards; yes, sir.

Q. Did you find any money that had been waxed or soaped?

A. Yes, a considerable amount of it.

Q. What about the sequence of those bills?

A. Yes, sir; that was all checked and quite a bit of the money ran in sequence, sir.

Q. Approximately how much money did you seize on that raid?

A. I think it was something like $6,000.

Q. What did you find with regard to the wrappers, the money wrappers? Did you find them?

A. As I recall, there were a few wrappers found, yes.

Q. Did you find this glass croupier stick?

money?

A. Sixty one to one. Budget was

approval of the Union Corp. Within one 2

months that which was opposed by an alderman

Samuel Lydia Jones the Internal Income. And

based on a Journal item on the Committee on

the Revenue Items.

Q. Can you find the circle that were

based

A. In Grand Rural Central Park Zoo.

Q. And you find any money that had

been moved or changed?

A. Yes, a transportation amount of

$[illegible]

Q. What about the Department of

Human Utility?

A. Yes, sure that was all approved and

quite a lot of the money was in engineering.

etc.

Q. Approximately how much money

did you review on that exact?

A. I think it was approximately fifty

million.

Q. What did you find with regard

to the engineers, the money engineers? Did you

find there

A. We [illegible]. Those were a few

engineers there, yes.

Q. Did you find any phone receipts

attached

A. No, sir, we did not find that.

Q. Did you make any inquiries at that company whose name is mentioned here, Ace Leon Signs?

A. At a later date I believe they were made there, sir, and they did manufacture some.

Q. What did they manufacture?

A. They did manufacture some of these glass, which you might call, croupiers.

Q. What are they used for?

A. It is for after the dice are cast, there is one man who rakes in the dice and passes them on to the player who casts the dice or on to the next player.

Q. Did you find any dice cups?

A. We didn't find the coffee cups. We found a plastic cup in a waste-paper basket, the inside of which was all scarred. The Lab found green threads in there, corresponding with the cloth on the table.

Q. Did you find markings on the pool table?

A. No, sir.

Q. What about the individuals who are named in this brief; did you find any of them on the premises?

A. We did not find Benjamin Niccollitti or Dominic Mantele. I would have

A. Oh, only the [illegible] food [illegible].

Q. Had you seen any [illegible] in this company above [illegible] in question, for long period?

A. At a later date I believe they were made there, yes, and they did [illegible] them.

Q. Some had been [illegible]?

A. They did [illegible] [illegible] of these glass, which you [illegible] well.

[illegible].

Q. What are they used for?

A. It is for either the dice are [illegible], there is one man who rolls in the dice and [illegible] the [illegible] the dice or on to the next player.

Q. Did you find any dice cups?

A. We didn't find the [illegible] cups. We found a plastic cup in a waste-paper basket, the inside of which was all [illegible]. The lab found [illegible] in them, corresponding with the cloth on the table.

Q. Did you find markings on the [illegible]?

A. Yes, [illegible]

Q. What about the individuals who were named in this letter, did you find any of them on the premises?

A. We did not find [illegible] [illegible] or [illegible] [illegible]. I could not

to check the report on the others, sir, to be sure.

Q. Have you a copy of your report of September 2nd?

A. Nor Frank Cabello, nor Carl Maize, and I am sure we didn't find Samuel Perri, nor Zamzonieze, nor Frank Magardito. However, that we have found or believe is Frank Magliarditi.

Q. You did find Frank Magliarditi?

A. Yes. And Isadore Seigel was at the front door, the first door.

Q. So out of that list only the two last named were on the premises at the time of the raid?

A. Yes, sir.

Q. In your investigations did you find any confirmation for the suggestion that these other six persons were associated with this operation?

THE COMMISSIONER: What other six do you mean?

MR WILSON: Q. Starting with Niccollitti and Mantele. That is on page 5.

A. No, sir, we did not.

Q. Now, on the next page of the brief, Exhibit 102, there is a list of the Canadian keepers.

A. Ralph Aggrette was there. He is the steward of the club. Peter Sacco was

there. There was one of the Iannuzzelis; Louis Iannuzzeli was on the premises. Michael Paul was there. Peter Mitchell was not on at the time of the raid but he did come in a few minutes later. I don't believe John Sicconie was there, sir.

THE COMMISSIONER: Q. That Peter Mitchell is Script Mitchell?

A. That is Script Mitchell; yes, my lord.

Q. What did you say about Sicconnie?

A. I don't believe he was on the premises. He is not listed.

MR WILSON: Q. Did you make any observations at the Hilltop Motel across the way from this location?

A. Yes. At the time a warrant was executed at 1693 a warrant was also executed at the Hilltop Cabins.

Q. Did you find in fact that that was owned by Albert and Louis Iannuzzelli?

A. That is correct, sir.

Q. How do you pronounce that?

A. (Witness pronounces Iannuzzelli).

Q. That sounds better. What did you find as a result of your search there at the Hilltop?

A. There was a quantity of American money found in the safe and ----

THE COMMISSIONER: Q. How much?

A. I think it was in the neighbourhood of $2,000, my lord. Also found was some tailor's wax.

MR WILSON: Q. Well, who did the money and the wax belong to, that you found at the Hilltop?

A. Albert Iannuzzeli.

Q. He was the brother who was not present at the time of the riad?

A. That is correct. He was at the Hilltop Cabins.

Q. Did you find in fact that these two brothers owned the Hilltop?

A. Yes; a later investigation was made in that respect.

Q. What about the sequence of the American money you found in the safe at the Hilltop with relation to the money you found on the premises at the time of the raid?

A. Some of it was in sequence with the money at the Ramsey Club.

Q. Was the tailor's wax that you found in the safe at the Hilltop, was it the same wax or type of wax that was used on the bills that you found on the found-ins?

A. That was analyzed by the Lab, sir, and I think they could say so far that it was the same type.

Q. When the Ramsey Club started up again at the new address, 1648 Stanley, you made some raids at the new location, did you

not?

A. Yes, sir.

Q. Did you take the names of the persons who were present at the time of such raids?

A. Yes, sir.

Q. Did you find any people there who had been present at the time you made your raid at 1693 Victoria Avenue?

A. Yes, sir; there were some.

Q. Who were they?

A. Magliarditi was one; Frank Magliarditi.

Q. What number is he on Exhibit No. 100?

THE COMMISSIONER: Q. That is on page 5?

A. Yes, No. 39 on the list, page 5. Mike Paul was there.

MR WILSON: Q. What number is he?

A. He is No. 46 on page 5, sir.

Q. Well, Michael Paul was one of the ones charged as a result of the raid at 1693 Victoria?

A. That is correct.

Q. On August 18th?

A. Yes, sir. Mike Paul also acted in the nature of either what they term a parking attendant or a lookout. Any others, sir, I

Mr.

A. Yes, sir.

Q. Did you know the names of the

performers who were present at the time of such

raids?

A. Some did.

Q. Did you hear any people there

who had been present at the time you first

got read at Lord Viscount's Avenue?

A. Yes, Mrs Henry Lord Lord.

A. Not some only.

Q. Mentioned the name Fred

Hopkinson.

A. Just remember is he on Monday

Mr. Judge

Mr. Hopkinson: Q. Where is on page

17

A. Yes, No. 35 on the first, page

5. Mike Ford was there.

Mr Wilkinson: Q. Have another in mind

A. On is No. 46 on page 5.

Mr.

Q. Well, discount Ford was one of the

men charged as a result of the raid at Lord

Viscount.

A. Where is convenient.

Q. Mr Henry Ford

A. Yes, sir. Mike Ford also called

in the matter of a letter such they were a parking

attendant or a footman. Mr Johnson, Mr. J.

couldn't be sure at this moment without checking. Ralph Aggrette was another one that was there.

MR WILSON: I think that is all.

THE COMMISSIONER: Mr. MacKinnon.

MR WILSON: I'm sorry; there is one point I missed.

Q. Was any effort ever made at a later date by Inspector Stringer to get back from you this document that we have called the brief, Exhibit 102?

A. Yes, sir; in 1959. I haven't my diary before me.

Q. You haven't your 1959 diary here?

A. No, sir.

THE COMMISSIONER: Q. Well, tell us about it.

A. A corporal from Peterboro district headquarters, Cpl. Rawlins ----

MR MACKINNON: February 12th.

A. February 12th, that's right. He dropped by my office and asked for -- my lord, I don't think he used the word "brief" but he did ask for the return of the document that Inspector Stringer had given me. I refused toturn it over to him. I later reported this verbally to Assistant Commissioner Kennedy. I received instructins to retain it.

MR WILSON: Q. Is that the end of it? There was no further request for the return of it?

A. No, sir, that finished it.

Q. Between the date that you got this document or brief, which I believe was ——

A. August 7th.

Q. —— August 7th, 1958, up until February 12th, 1959, had you made any report on that document to any of your superiors?

A. No, sir. I made the report out and retained it. That is the August 12th report.

Q. That is the report of August 12th which we have marked here as Exhibit 103, was made out but retained by you?

A. That is correct, sir.

Q. Why was that done?

A. It was one of those things, a suspicion on my own part from other things that had happened in connection with Cpl. Shrubb and it was done, as I say, and retained so if anything came of it I had a report of what took place; if nothing came of it, then I am not accusing any man of something wrong.

Q. Well now, I don't quite follow the reference you made to previous acts by Corporal Shrubb?

A. Well, Corporal Shrubb's previous

Q. Is there any one of the witnesses who no doubtful measure the [illegible] of [illegible]?

A. No, sir, that [illegible] it.

Q. Between the date that you [illegible] [illegible] of actual value [illegible] [illegible]

A. [illegible]

Q. [illegible] Yes. Well, up until [illegible] 1920, had you made any [illegible] [illegible]?

A. No, sir. I made this report and [illegible] it. Back in the [illegible] 1920, [illegible].

Q. What is the report of August 1920, which we have marked here as Exhibit 100, was made out but returned by you?

A. That is correct, sir.

Q. Why was that done?

A. It was not in proper [illegible] [illegible] manipulation on my own part from other things that had happened in connection with [illegible]. [illegible] and it was done, as I say, and returned to it anything even of it I had a report of what took place; it nothing came of it, then I do not [illegible] [illegible].

Q. Well now, I don't quite follow the testimony you have to [illegible] [illegible] [illegible]?

A. Well, [illegible] [illegible]'s [illegible]

contacts, contacts involving Cpl. Shrubb, that is by Inspector Stringer and others, sir.

Q. Well, you had some suspicions in your mind at the time?

A. That is correct, sir.

Q. Well, I don't wantto spread a lot of suspicions on the record but suspicions of what nature? You don't need to name persons or names.

A. No. I was suspicious the way I came into receipt of this brief, the fact that I was contacted for the purpose of confidential information to do with the City of Peterborough. That information contained in a report or memorandum submitted by Cpl. Gould was practically nil. And after receiving that, then Inspector Stringer brings up about the brief, not what he suggested when he telephoned me, so I was suspicious about the receipt of the brief.

Q. You mean you had suspicions about its origin?

A. Well, yes.

Q. I just want to be clear about this; you didn't have any suspicions about Cpl. Shrubb, did you? As far as he was concerned?

A. Cpl. Shrubb?

Q. Yes.

A. No, sir, not one bit.

Q. You did inform Shrubb about this brief, didn't you, after the raid?

A. Well, Cpl. Shrubb was away on holidays and he did not return until after the raid, and he was informed of it, yes, sir.

Q. And did he make any comment about the brief with relation to any knowledge he had or knowledge which he had received about these particular premises?

THE COMMISSIONER: Just say Yes or No.

A. Yes.

MR WILSON: I think that is all.

THE WITNESS: About the premises, yes, sir.

EXAMINED BY MR MACKINNON:

Q. Sergeant, I would like to return very briefly to the Frontier Club which was closed, as I understand it, according to your evidence, as of July 2nd, 1958?

A. The Frontier Veterans' Association?

Q. Yes.

A. Yes, approximately.

Q. Isn't it a fact that at the beginning of 1958 for the first time the Township of Bertie had itsown police force?

A. That is correct.

Q. And you mentioned Chief Constable Howard Johnson. He was the new Chief of this police force; is that correct?

A. Yes.

Q. You also stated that this new police force conducted some 59 raids from the beginning of that year, 1958; is that correct?

A. That is correct, according to Chief Constable Johnson.

Q. Now, that police force is not responsible either to the Ontario Provincial Police or to any department of the government, is it?

A. No, I don't believe it is, sir.

Q. And there was a Constable Stiff, was there not, who made it his avocation, if not his vocation, to see that this Club was harrassed?

A. As to the name, sir, I am not sure but the officers there did carry out the raids.

Q. It was really as a result of the raids themselves that this club was closed; is that not right?

A. That is correct, sir.

Q. And also you advised us that very shortly before this Club was closed a new Club opened up in Niagara Falls?

A. That is correct.

Q. Which was run by the competition, in effect, is that correct, competition to those who were running the Frontier Club?

A. That is correct.

Q. So that ~~[illegible]~~ might have had something to do with their closing as well, might it not, taking some of the trade away from them?

A. I imagine it would take some, yes, sir.

Q. And the people who were behind this Frontier Club were Feeley and MacDermott, were they not?

A. According to our suspicions, yes, sir.

Q. And this -- I am going to differentiate between the two in this fashion: the old Ramsey Club I shall call the club which opened in May of 1958. Now, that old Ramsey Club was being operated by individuals who were in effect in competition with Feeley and MacDermott?

A. That is correct.

Q. And so it was this old Ramsey Club, about which you had these interviews with Inspector Stringer and which you subsequently

Q. And also you mentioned in that very recently before this did you discuss a conflict between up in Dungan's Corner?

A. That is correct.

Q. Which was in by the magnetitions, is which, in that several magnetitions in Dungan and were breaking the Dungeline claim?

A. That is correct.

Q. In that meeting which have had considerably so in well, there claming on well, more is not, Calvary came of the Grants away from them?

A. I imagine it would take some, yes, sir.

Q. And the people who were behind this Dominion Club were Young and Mackenzie, were they not?

A. Something to do with Mackenzie.

Q. Yes, sir.

Q. And then — I am going to mackenzie between the two in this Conclusion the old Mining Club I think call the club which formed in May of 1898. Now, that old Mining club was being operated by individuals who were in school in conjunction with Young and Mackenzie?

A. That is correct.

Q. And so it was this old Mining club, Mr. Young and Mackenzie

raided on August 18th, 1958?

A. That is correct, sir.

Q. And which closed its doors when? In May of 1959, did you say?

A. The charges were dismissed in 1959, yes, May 1959.

Q. But it effectively -- the raid and the prosecution effectively closed down this operation?

A. That is correct.

Q. Even though there was no conviction?

A. That is correct.

THE COMMISSIONER: Q. The Frontier Club closed as of July, 1958?

A. Yes, sir.

Q. The Ramsey Club, what we are speaking of as the old Ramsey Club, it opened on Victoria Avenue as of May, 1958?

A. Around that time.

Q. So as of May, 1958, and July, 1958, as Mr MacKinnon puts it, they were in opposition to each other?

A. Yes.

Q. What was the date of this brief?

A. August 7th, 1958.

Q. So is my understanding correct that as of the date of the brief the Frontier Club had closed down?

Return to Tenant Line, Inc.

Q. What is correct, sir,

A. And which showed its doors when?

In May of 1924, did you copy

Q. The charges were discussed in

1923, then, the 1924.

Q. But it subsidiarily -- the rent

and the prevailing differences caused the

file questions.

A. That is correct.

Q. Did Tenant Share the Sub-

rentals?

A. Yes, it actually.

Mr. CHARLTON: Q. The Premises Club

closed as of July, 1925?

A. Yes, sir.

Q. The Tenant Club, was an ex

clusively of as the old Society Club, it operated

on Lexington Avenue as of May, 1924?

A. Tenant Club Also.

Q. Up as of May, 1924, not only,

1924, as far nationwide goes it, they were in

operation in each event?

A. Yes.

Q. Did not the 1924 in fact

Tenant

A. Inquire 1924, 1925.

Q. Yes it is approximately correct

Did the Tenant Club

Did Tenant Club?

A. It had closed down in July.

Q. Then the old Ramsey Club didn't have any opposition as of the date of the brief?

A. Not as of the date of the brief; no, my lord.

MR MACKINNON: My lord, I will be coming to things leading up to this brief shortly, possibly not with this witness but with Corporal Shrubb.

Q. Then, Sergeant, the new Ramsey Club, did you tell us it opened sometime late in 1959?

A. Yes, I would say late; sometime around August, 1959.

Q. And that Club was operated under the control and direction of Peeley and MacDermott, was it not; at least, it was in part?

A. That is our belief. I never saw them on the premises, let me put it that way.

Q. Mr Birelli, who was their agent, I suggest in this operation ---

THE COMMISSIONER: Well, do you know?

A. Not positively, my lord; no, sir.

MR MACKINNON: Q. You have seen that photograph, have you not, of Mr Birelli and Mr MacDermott?

A. Oh yes.

Q. On the Moosonee trip?

A. Yes.

THE COMMISSIONER: I haven't seen it, have I?

MR MACKINNON: It was mentioned earlier in those proceedings. I believe it was filed as an exhibit at the trial proceedings, Mr Commissioner.

Q. Was it not?

A. Yes.

Q. Then turning to the Ramsey Club, both old and new, Sergeant, to put my questions in context, I would like to refer you just briefly to the statement which we have already had read into the record found in the 6th report ofConstable Scott, referring to his interviews with Police Constable Wright, and on Tuesday, April 12th, 1960, one of the matters raised was this, what Mr Wilson has described as the "Stringer brief", and it is item 8. It reads:

"The brief on the Ramsey Club
"was composed by D. Humphrey,
"P.C. Wright and others. Thereafter
"it was forwarded and given to
"James Maloney, present Ontario
"Minister of Mines, and he in turn
"gave it to District Inspector
"Stringer. Inspector Stringer then

"turned the brief over to Sgt.

"Anderson".

In any event, that last sentence is correct; Inspector Stringer did turn the brief over to you?

A. That is correct.

Q. With regard to D. Humphrey, Mines Minister Maloney and District Inspector Stringer, I suggest to you, as you have indicated indeed in your closing answers to Mr Wilson, that you did have prior to August 7th, 1958, some information at least linking Inspector Stringer, Mines Minister Maloney and Mr Humphrey with Feeley and MacDermott, and I am going to refer you to those reports in a moment?

A. I would have to have my memory refreshed on that.

Q. Well now ——

A. Inspector Stringer, yes.

Q. Cpl. Shrubb did make reports to you, did he not?

A. Yes.

Q. From time to time?

A. He did.

Q. He was under you?

A. That is correct.

Q. I have been given a report dated May 5th, 1955, headed "Confidential Report re John Francis Cronin, formerly Sargeant J.F. Cronin of the Anti-Gambling Branch" and

it is signed by W. Tomlinson, Staff Inspector?

A. That is correct.

Q. Now, you were familiar with this particular report, were you not?

A. Not at that time I wasn't. Staff Inspector Tomlinson was in charge of the branch and that report would go directly to Inspector Tomlinson.

Q. When were you made aware of this particular report?

A. Some time later. Just when, I am not sure. I cannot say.

Q. Would it be Cpl. Shrubb who had raided it with you?

A. I believe it was, yes.

THE COMMISSIONER: Is it in as an exhibit yet?

MR MACKINNON: I don't believe so, sir.

MR WILSON: No.

THE COMMISSIONER: It is unintelligible to me so far.

MR MACKINNON: Well, I have just been given these things. I wonder if my friend has a copy of that or if he has some copies of it?

MR WILSON: I propose to have it referred to by the man who made it. I don't know that this witness can do much about it.

MR MACKINNON: Q. Well, the question I am asking really is, were you aware of this report and its obvious reference to Inspector Stringer prior to Inspector Stringr contacting you about this brief in August, 1958?

A. I would have to say yes.

Q. Were you also aware that Inspector Stringer had approached Cpl. Shrubb to see if he could secure him for his district?

A. Yes, I was.

Q. And remove him from the anti-gambling squad?

A. Yes.

Q. And did Cpl. Shrubb report that to you as well?

A. Yes, he did.

MR MACKINNON: I think, sir, I have made enough reference to this May 5th report. We can wait until Cpl. Shrubb gets in the box to establish its substance.

Q. Then, Witness, I have been given another report dated ---

THE COMMISSIONER: Q. Just a moment. Was it Stringer that tried to get Shrubb removed?

MR MACKINNON: Transferred.

A. Transferred.

THE COMMISSIONER: Q. Well, that would be removed?

A. He promised to make him a sergeant

in his district if he would transfer.

MR MACKINNON: Q. And were you also aware ---

MR WILSON: Mr Commissioner, when we have the best evidence available on this point we can call it.

THE COMMISSIONER: I don't know.

MR MACKINNON: This man's attitude to Stringer when he approached him is very important.

THE COMMISSIONER: Just a moment. This statement by this witness doesn't prove anything at the moment other than that he was aware of something.

MR MACKINNON: That's right, that he was advised of these things by his corporal, my lord.

Q. In this connection, and other things, I have a report dated September 18th, 1956 ---

THE COMMISSIONER: From whom to whom?

MR MACKINNON: From Cpl. Shrubb to Sgt. Anderson.

THE COMMISSIONER: You want to examine this witness with respect to that?

MR MACKINNON: Certainly. This is a report made to him about this man that we are now discussing, Inspector Stringer, among others. My learned friend asked him why he was suspicious of this brief. He said

certain things had happened. My friend didn't go into those certain things. I think this witness is entitled to have it explained, my lord.

THE COMMISSIONER: Wouldn't it be better if this witness stood down and Shrubb came in and proved the report?

MR MACKINNON: That might be better, subject to this man being recalled, Mr Commissioner.

THE COMMISSIONER: Oh yes, he can be recalled. If you want to get the reports in, let the man who made them prove them.

MR MACKINNON: All right. If that is a better procedure, I am quite prepared to accept it, if he is called back right after Cpl. Shrubb on these matters. I think it is only fair to this witness, frankly, so he can explain his suspicions.

Q. Turning then to 1958 itself, may I put this to you, Sergeant, I see in your diary, first, for 1956, on November 23rd and November 26th you made confidential reports to the Commissioner along with Cpl. Shrubb. Do you remember that?

A. Yes, sir.

THE COMMISSIONER: What year was that, Mr MacKinnon?

MR MACKINNON: 1956, November 23rd and 26th.

THE COMMISSIONER: Q. What did you do on those dates?

A. I submitted a report to the late Commissioner MacNeill, my lord, and asked him for an audience with Cpl. Shrubb. And at that time ——

Q. Asked him for an audience with Shrubb?

A. No; with Cpl. Shrubb. I'm sorry, sir, with the Commissioner, Shrubb and I.

Q. You and Shrubb then made a request to MacNeill for an audience; is that what you mean?

A. Well, yes, sir.

Q. Is it a repetition on the 26th of what he said on the 23rd, Mr MacKinnon?

MR MACKINNON: It says November 23rd: "Confidential Report to Commissioner by Cpl. Shrubb" and himself, and November 26th "With Cpl. Shrubb to Commissioner MacNeill's office, N. Phelps, see memorandum".

THE COMMISSIONER: What are you reading from?

MR MACKINNON: I am reading from — we have made a copy of this diary, my lord, and I am reading from the diary for 1956.

I wonder, sir, if we could have those confidential reports? I haven't seen them. Have you a copy of those reports with you, Witness?

A. I don't believe I have.

MR MACKINNON: I wonder if Mr Wilson has that particular report? I see it is after one, sir. Perhaps we could obtain it over the lunch-hour.

THE COMMISSIONER: All right. Two-fifteen.

---Whereupon the Hearing adjourned at 1.03 P.M. until 2.15 P.M.

(Page 2315 follows)

--- On resuming at 2:15 p.m.

CROSS-EXAMINATION CONTINUED BY MR. MacKINNON

Q. Just prior to the adjournment, Sergeant, I had been asking you to produce, if you could, the report or reports which you and Corporal Shrubb, to the Commissioner on November the 23rd, 1956; and Mr. Wilson has now handed two documents, one dated November 23rd, 1956 addressed to Mr. E. W. McNeil, Commissioner of Police, and signed by J. M. Anderson and the other being a confidential report to the Commissioner, dated November 22nd, 1956, signed by W. J. Shrubb, and then carrying Sergeant J. M. Anderson's signature under that.

Is that your signature on the document dated November 23rd, 1956? (Indicating to the witness)

A. Yes it is.

Q. And is that the confidential report that you referred to in your diary entry of November 23rd, 1956?

A. Yes. That could be it.

Q. And attached to it is what?

A. I am not quite following, here.

Q. Well, the document dated November 22nd --

A. The 22nd ; yes. That would be the same (indicating documents).

Q. I see it is two copies of this same report.

A. Yes, that is the original.

Q. And Constable Shrubb has apparently signed it; and is that your signature underneath it?

A. That is my signature.

The COMMISSIONER: Do they both appear together?

MR. MacKINNON: Yes.

THE COMMISSIONER: That will be Exhibit 105A, and B.

EXHIBIT 105A - Confidential Report to the Commissioner of Police, dated November 22nd, 1956, signed W. J. Shrubb and J. M. Anderson underneath that.

EXHIBIT 105B - A Report to the Commissioner of Police, dated November 23rd, 1956, signed by J. M. Anderson.

MR. MacKINNON: Have you a copy for the witness?

THE COMMISSIONER: Just mark that.

THE WITNESS: That has to do with the Lorelei Club (indicating a document).

(Whereupon the witness read a document).

THE COMMISSIONER: I will take a moment to read this, Mr. MacKinnon.

(Whereupon the Commissioner read a document.)

Alright.

BY MR. MacKINNON:

Q. Now, I did mention this morning,

a report, Sergeant, made to you by Corporal Shrubb on September the 18th, 1956, having to do in great part with conversations he had with Mr. Feeley. Now, is this report which is 105B, dated November 22nd, 195 --

THE COMMISSIONER: That is A; 105A is the November the 22nd. 105B is the November the 26 (sic).

MR. MacKINNON: I am sorry. Is that exhibit of November the 22nd, 1956, is that in summary form, what Shrubb had already given to you, in detailed written form?

A. As I recall, yes it is.

Q. And apparently, according to Constable Shrubb, Mr. Feeley had called him, and wished Corporal Shrubb (sic) to engage in some business activity with Mr. Feeley. Is that right?

A. That is correct.

Q. It was a gasoline station?

A. A service station, I believe, which was out on the 401 Highway, which was mentioned.

Q. And in the course of this conversation, according to the advise you received, Feeley was going to secure this location with the aid of some political friends, and appears in paragraph three of the report.

A. Three, yes sir.

THE COMMISSIONER: I wonder, Mr. MacKinnon, is Shrubb here?

MR. MacKINNON: No.

a report, Exhibit, made to you by General Smith on September the 16th, 1954, having to do in great part with conversations he had with Mr. Foster. Now, is this report which is [illegible] Exhibit [illegible]?

THE COMMISSIONER: That is A; 1354 is the November the 22nd. 1355 is the November the 24 (sic).

MR. MACKINNON: I am sorry. In that exhibit of November the 22nd, 1954, is that in evidence [illegible] and [illegible] given to you, in detailed written form?

A. As I recall, yes it is.

Q. And accordingly, according to Consolate Smith, Mr. Foster had called him, and asked General Smith (sic) to engage in some business activity with Mr. Foster. Is that right?

A. That is correct.

Q. It was a profitable enterprise?

A. A service station, I believe, which was out on the Hill Highway, which was mentioned.

Q. And in the course of this conversation, according to the notes you received, Foster was going to secure this location with the aid of some political friends, and appears in paragraph three of the report.

A. Three, yes sir.

[illegible] I [illegible], [illegible] is [illegible]

[illegible]

MR. WILSON: He will be here, tomorrow, Mr. Commissioner.

THE COMMISSIONER: Alright.

MR. MacKINNON: Q. And one of the political friends named was Mr. Maloney, was it not?

THE COMMISSIONER: Now just a moment. There are difficulties here!

MR. MacKINNON: May I explain my position this way?

THE COMMISSIONER: Just a moment; and do not make a speech. We have run into a difficulty. We have run into this difficulty before, and I was trying to avoid it here if we could.

You're assuming that Shrubb's report is correct?

MR. MacKINNON: Not necessarily, sir.

THE COMMISSIONER: Well!

MR. MacKINNON: To explain this man's actions on August the 8th, 1958 when he was asked by my friend, in the conclusion of his examination as to why he was suspicious and he said he had other reasons surrounding Constable Shrubb, and it was dropped there and I propose, in fairness to this witness so that he can explain why he had this reaction to the Stringer brief. It was because of other things received over the years prior to this August the 8th date, one of them being this

[illegible] Mr. [illegible]: Do tell us story, Johnson.

Mr. [illegible]

THE CHAIRMAN: Alright.

Mr. McCLINTOCK: Q. And one of the [illegible] passed on Mr. McCoy, was it not?

[illegible] THE CHAIRMAN: Has just a moment. There was [illegible]

Mr. [illegible]: Can I explain my position [illegible]

[illegible] THE CHAIRMAN: Just a moment, [illegible] difficult. We have run into this difficulty before, and I was trying to avoid it here if we could.

[illegible] it before?

Mr. McCLINTOCK: Not necessarily, sir.

[illegible]

Mr. McCLINTOCK: To explain this man's [illegible] caused by my friend, in the circumstances of his [illegible] as to why he was [illegible] and he said he had other reasons [illegible] Considerable [illegible], and it was dropped there [illegible] I proceed, in fairness to this witness [illegible] he can explain why he had this possession to the Surinder brief. It was because of other things received over the years prior to this [illegible] the [illegible] [illegible]

report of September the 18th.

THE COMMISSIONER: September the 18th?

MR. MacKINNON: 1956. You see, he stated on this November the 22nd, 1956 report, which is in as an exhibit what really is in summary form the report that Corporal Shrubb had already made to him in detailed, written report on September the 18th, 1956. And you, sir, have suggested I wait till Constable Shrubb goes into the box, to deal in detail with Shrubb's September the 18th report.

THE COMMISSIONER: This is over Corporal Shrubb?

MR. MacKINNON: Shrubb.

THE COMMISSIONER: Dated November the 22nd, 1956?

MR. MacKINNON: That is right.

THE COMMISSIONER: Yes. And I am suggesting to you that we have got the cart before the horse, and we had better get Shrubb to prove the report.

MR. MacKINNON: I do not think we need Shrubb to prove this witness's letter at the same time, because this witness was going to see the Commissioner with Shrubb.

THE COMMISSIONER: That is right.

MR. MacKINNON: And he wrote that letter.

THE COMMISSIONER: What letter? I have not seen any letter yet.

MR. MacKINNON: It is Exhibit 105B, sir,

[illegible] the plan.

THE COMMISSIONER: Suppose the joint

MR. [illegible]: [illegible] the end, on a[illegible] on this November the 22nd, 1945 report, which is in as an exhibit what really is in summary form the [illegible] that [illegible] had already made so him in detailed, written report on September the 14th, 1945. And you, sir, have suggested I wait till Constable Smith goes into the box, so deal in detail with Smith's September the 14th report.

THE COMMISSIONER: This is over Corporal Smith?

MR. [illegible]: Yes.

THE COMMISSIONER: What happens the [illegible], 1945?

MR. MACDONALD: That is right.

THE COMMISSIONER: Yes. And I am [illegible] to you that we have got these cars before the house, and we had better get Smith to prove the report.

MR. MACDONALD: I do not think we need Smith to prove this witness's letter as the same time, because this witness was going to see the Commissioner with Smith.

THE COMMISSIONER: That is right.

MR. MACDONALD: And he wrote this letter.

THE COMMISSIONER: What letter? I have not seen the letter yet.

MR. MACDONALD: It is Exhibit 1089, sir.

which you marked.

THE COMMISSIONER: Oh no. There is a confidential report signed by Shrubb addressed to the Commissioner; and that is 105A.

MR. MacKINNON: I am introducing the original exhibit which has the letter in front of it, sir. (indicating to the Commissioner).

THE COMMISSIONER: One is a report from Shrubb to the Commissioner dated November the 22nd?

MR. MacKINNON: That is right, sir, signed by Anderson as well.

THE COMMISSIONER: Well, it was handed to Anderson by Shrubb. And the next is a memorandum from Anderson to Commissioner McNeil in which he is referring to Shrubb's report; so that any comments that Anderson made were based upon what Shrubb had told him. And I am suggesting to you, therefore you should get him.

MR. MacKINNON: Notecompletely, sir; if you will read the last paragraph on page one of that memorandum?

THE COMMISSIONER: Who is the ex Provincial police officer?

MR. MacKINNON: I do not know. I will not ask for any names.

MR. WILSON: I know and I have investigated that matter and I do not think there is any purpose to be served by naming that particular officer.

which you mention.

THE CHAIRMAN: Well, there is a confidential report signed by Burnsu addressed to the Commissioner, and then in 1924.

Mr. MONTGOMERY: I do [illegible] [illegible] [illegible] [illegible] [illegible] of it, sir. (Handing to the Commissioner).

THE CHAIRMAN: You have a report from Burnsu to the Commissioner [illegible] [illegible]

Mr. MONTGOMERY: Then it stops, sir, signed by [illegible] as well.

THE CHAIRMAN: Well, it was handed to Anderson by Burnsu. And the next is a memorandum from Anderson to Commissioner Nichols in which he is referring to Burnsu's report; so that may [illegible] [illegible] [illegible] Burnsu had told him. And I am suggesting to you, [illegible] you should put him.

Mr. MONTGOMERY: Necessarily, sir. If you will read the last paragraph on page one of that memorandum?

THE CHAIRMAN: Who is the ex Provincial police officer?

Mr. MONTGOMERY: I do not know. I will not rest for any reason.

Mr. KIGGS: I have had I have investigated that matter and I do not think there is any purpose to be served by naming that particular officer.

MR. MacKINNON: Presumably he will be called as a witness at any rate.

MR. WILSON: He is now a member of the force.

THE COMMISSIONER: Where there are witnesses who can speak to the truth of a statement, don't you think you ought to get them in the witness box first?

MR. MacKINNON: Yes, sir. I have no objection to that sir, and I do not suggest that that is any way improper. But this man is in the witness box.

THE COMMISSIONER: I know.

MR. MAcKINNON: And he made certain statements, and took certain actions, and I think I am entitled, with respect, to examine the background that caused him to react, or act, as he did!

THE COMMISSIONER: We had better get the background established first.

MR. MacKINNON: That is what I am trying to do, sir, so that he can explain lwhy he had the reactions, or took the actions that he did.

THE COMMISSIONER: Put your question again.

BY MR. MacKINNON:

Q. May I put one question with regard to this letter of ours, dated, sir, November the 23rd, 1956 to the Commissioner; and in the last paragraph you state: "May I respectfully suggest sir, that you give Corporal W. J. Shrubb an

MR. MACKINNON: Presumably he will be called as a witness at any rate.

MR. VILJOEN: He is now a member of the Forces.

THE CHAIRMAN: Where other witnesses who can speak to the health of a statesman, don't you think you ought to get them in the witness box first?

MR. [illegible]: Yes, Sir. I have no objection to that sir, and I do not suggest that that is any way improper. But this man is in the witness box.

THE CHAIRMAN: I know.

MR. [illegible]: And he made [illegible], and took certain actions, and I think I am entitled, with respect, to examine the [illegible] him to react, or act, as he did.

THE CHAIRMAN: He has varied the [illegible].

MR. MACKINNON: That is what I am trying to do, sir, so that he can explain why he had the resolution, or took the actions that he did.

THE CHAIRMAN: I'm sorry [illegible].

MR. MACKINNON:

Q. May I put the question with regard to this letter of course, dated, sir, November the 22nd, 1961 to the Commissioner; and in the last paragraph you state: "As I respectfully suggest, sir, that you give General W. J. Brooks an

audience with respect to these matters and also to one other matter which it is felt should not be in writing at this time but should be verbally communicated to you personally. I might add that I have knowledge of what this is about."

THE COMMISSIONER: Do you want to ask him about that?

MR. MacKINNON: Yes.

(To the witness.)

What was this particular matter that you wished to communicate to the Commissioner orally, rather than put it in writing?

A. Excuse me; at this time, I do not recall, sir!

MR. MacKINNON: I wonder if possibly, Mr. Commissioner, the witness could be given an opportunity before he goes back to read Mr. Shrubb's or Corporal Shrubb as he was then - report to him of September the 18th, 1956, because certain items are mentioned in that report that are not mentioned in this November the 22nd one.

THE COMMISSIONER: Have you got it there?

MR. MacKINNON: I have it.

THE COMMISSIONER: Let him have a copy of it now, then.

(Whereupon a document was handed to the witness.)

MR. MacKINNON: It is a second page of that

[illegible] with respect to [illegible] and also to one other matter which is to this should not be in writing as this case but should be verbally communicated in the possibility. I might add that I have knowledge of what this is about."

THE CHAIRMAN: Do you want to ask him about that?

MR. MODLIN: Yes.

(To the witness.)

Had you ever talked to Commissioner Hadley relative to communicating to the Commissioner orally, rather than put it in writing?

A. Having not at this time, I do not usually do.

MR. MODLIN: I mean, if possible, Mr. Commissioner, the witness will be given an opportunity before he goes back to read his Hadley's or General Murphy as he was then - report to him of September the 14th, 1964. Because certain items are mentioned in that report that are not mentioned in this November the 23rd one.

THE CHAIRMAN: Have you got it there?

MR. MODLIN: I have it.

THE CHAIRMAN: Let him have a copy of it, Mr. Modlin.

(Whereupon a document was handed to the witness.)

MR. MODLIN: If it is a second page of

report.

THE COMMISSIONER: Have you read it?

THE WITNESS: I have read that part over, yes sir.

THE COMMISSIONER: Now put your other question to him which he could absolutely not recall. You asked what the other matter was that was referred to in the last paragraph of your letter to Commissioner McNeil, dated November the 23rd, 1956? Had you got it in front of you?

THE WITNESS: I have not got the memo; I have not the part that is not here.

THE COMMISSIONER: Here?

THE WITNESS: I think that is referred to, yes.

(The witness looking at a memorandum)

THE COMMISSIONER: Now: can you tell us now what it was?

THE WITNESS: Due to the fact, my lord, that certain information had been getting back out, after submitting confidential reports. The matter had to do with Inspector Stringer. Corporal Shrubb had had meetings with the Inspector.

THE COMMISSIONER: What inspector?

THE WITNESS: Inspector Stringer, sir.

THE COMMISSIONER: Yes?

THE WITNESS: I thought Feeley, in telephoning Corporal Shrubb was able to tell

him about these meetings, and where it took place.

THE COMMISSIONER: What meeting?

THE WITNESS: The meeting that Corporal Shrubb had in the city of Toronto with Inspector Stringer. That is at the time that he was trying to have Corporal Shrubb, or recommended Corporal Shrubb to transfer from the branch to Peterborough district; and this information was getting back to Feeley.

MR. MacKINNON: Do you follow what the witness said, Mr. Commissioner?

THE COMMISSIONER: I follow what he has stated; and I am sitting on edge wondering what your next question is going to be!

BY MR. MacKINNON:

Q. Did you report this to the Commissioner?

A. Yes, that was reported to the Commissioner.

Q. So, am I putting it fairly to you, that as early as November, at least of 1956, you had had some suspicions of Inspector Stringer?

A. That is correct.

Q. Do you know whether there was any investigation carried out?

THE COMMISSIONER: Just a moment. Reporter, read these last few questions and answers back.

(Whereupon the reporter tried to find the correct place, and was informed by the Commissioner where to commence reading)

his legal name something, and where is that (Jean.

THE COMMISSIONER: Not another?

THE WITNESS: The meeting that happened. Church had in the city of Toronto with Improvement Society. That is at the time that he was trying to have Corporal Church, or recommended Corporal Church to somewhere from the Church in Petersburg Society; and this information was passing back to Ireby.

MR. MACKINNON: Do you follow what the witness said, Mr. Commissioner?

THE COMMISSIONER: I follow what he has stated; and I am waiting on some wondering what your next question is going to be!

MR. MACKINNON:

Q. Did you report this to the Commissioner?

A. Yes, that was reported to the Commissioner.

Q. Now, am I putting it fairly to you, that as early as November, 1st June of 1924, you had had some indication of Immoral Interest

A. That is correct.

Q. Do you know whether there was any investigation carried out?

THE COMMISSIONER: Just a moment. Mr. Mackinnon, need there just for questions and answers back.

(Whereupon the reporter tried to find the correct place, and was informed by Mr. Commissioner where to answer proceed!)

THE REPORTER:

"THE COMMISSIONER: What Inspector?"

"THE WITNESS: Inspector Stringer, sir."

"THE COMMISSIONER: Yes?"

"THE WITNESS: I thought Feeley in telephoning Corporal Shrubb was told (the Reporter misread the word told for able to) to tell him about these meetings and where it took place."

"THE COMMISSIONER: What meeting?"

"THE WITNESS: The meeting that Corporal Shrubb had in the city of Toronto with Inspector Stringer. That is at the time that he was trying to have Corporal Shrubb, or recommended Corporal Shrubb to transfer from the branch to Peterborough district; and this information was getting back to Feeley."

THE COMMISSIONER: That is enough, thank you.

MR. MacKINNON: I do not like to quarrel with the transcript, but I do not think that is quite accurate.

THE COMMISSIONER: No, it is not quite. It is not exactly. You correct it for me.

THE WITNESS: Just the first part.

/3 THE COMMISSIONER: What you did say was, you learned Shrubb had some discussion with Stringer?

THE WITNESS: Yes sir.

THE COMMISSIONER: About Shrubb's

possibly going to Peterborough?

THE WITNESS: That is right, sir.

THE COMMISSIONER: Under Stringer?

THE WITNESS: That is right, sir.

THE COMMISSIONER: While Feeley was talking on the telephone to Shrubb; and according to Shrubb, Feeley knew all about that.

THE WITNESS: That is correct, sir.

THE COMMISSIONER: And of course, the inference is: the only person from whom he could have learned, was from Stringer?

THE WITNESS: That is correct, sir.

THE COMMISSIONER: Have we got that straightened out?

MR. MacKINNON: That is right, sir.

THE COMMISSIONER: Just wait a minute. Alright.

BY MR. MacKINNON:

Q. So, is it fair to say, Sergeant, that you and Corporal Shrubb at this meeting with the then Commissioner McNeil expressed your suspicions of Inspector Stringer?

THE WITNESS: Yes, sir, we did.

Q. Now, I wanted to ask you earlier: do you know whether there was any investigation made?

A. To my knowledge there was not.

Q. Was there ever any explanation given to you as to why there was no investigation made?

A. No sir.

(Page 2330 to follow)

Q: Now, Witness, possibly with that background we could come to the summer of 1958. But first of all, prior, let us say to May of 1958, had you met David Humphrey?

A: I would say Yes, I had met him.

Q: Had you met him in connection with McDermott, and or Feeley?

A: In 1958?

Q: If I might refresh your memory? I was looking at your diary - diaries, and I believe it is in April, 1957. You attended at the premises of the Veterans' Club with the Fire Marshall, I believe?

A: April, 1957. That is correct.

Q: Is it April ; the 17th? Have I got the right date?

A: It is about April the 17th. I had a memo in here covering that, although it is not in my diary. It was Friday, May the 17th.

Q: Friday, May the 17th?

A: Yes.

THE COMMISSIONER: What year?

THE WITNESS: 1957, My Lord.

THE COMMISSIONER: What happened on that date?

THE WINTNESS: I attended the Vet's Club, in Cooksville, along with Inspector Farrell or the Fire Marshall's department.

And on t e premises at that time with Mr. McDermott was Mr. David Humphrey. This was an afternoon vist, My Lord, to check the premises over. I beg

Q: Now, Witness, possibly such some hoax-
premonition could come to the answer of that. But first
of all, please, did you ever be Day of 1920, and you
not Lord Campbell?

A: I would say Yes, I had met him.

Q: Did you met him in connection with-
Bodmonsett, and or Trewlaby?

A: In Trewlaby?

Q: If I might refresh your memory? I was
looking at your diary - diaries, and I believe in 12 in
April, 1927. You attended at the premises of the
Veterans' Club with the Prime Minister. I believed

A: April, 1927. That is correct.

Q: In 12 April; the 17th? Have I got the
right month?

A: It is about April the 17th. I had a
meeting in Bodmonsett Club, although it is not in
my diary. It was Monday, May the 17th.

Q: Monday, the 17th?

A: Yes.

The Chairman: Sir Lord?

The Learned Lord, Mr Lord.

The Commissioner: What happened on that day?

The witness: I usually see Mr's wife,
in Coneyville, along with Inspector Pennell or the
Sir Campbell's superiors.

Was on 5 o prominent at that time with Mr.
Bodmonsett and Mr. Metal Lumsey. Did you be at-
been that, Mr Lord, to check the premises over. I can

your pardon; did I say May the 17th?

THE COMMISSIONER: You said May the 17th.

THE WITNESS: It should be April the 17th, My Lord.

THE COMMISSIONER: Which is it?

THE WITNESS: It is Wednesday, April the 17th.

THE COMMISSIONER: Alright.

THE WITNESS: Do you want the other gentleman's name?

MR. McKINNON: Yes.

THE COMMISSIONER. No. He has nothing to do with this, has he?

THE WITNESS: No, Sir.

MR. McKINNON: Well, I am not sure that I know w who the other gentleman is, Sir.

THE WITNESS: Mr. Humphrey perhaps could explain why the other gentleman was there.

THE COMMISSIONER: He was an innocent victim of Mr. Humphre's, on the occasion. That has trickled through to me.

MR. McKINNON: That will be a matter for Mr. Humphrey to explain.

THE COMMISSIONER: That is what I said.

BY MR. McKINNON

Q; Were you involved in the prosecution of the Tisdale Club?

THE COMMISSIONER: Are you leaving this meeting dated April the 17th to: He said that Mr. McDermott was there with Humphrey? That does not mean anything.

MR. McKINNON: It certainly means --

Mr. A. Anderson. 1074

1 your position, did I say any one?

The CONSTABLE: You said any one.

The witness: I should be equal for Lord

4 My Lord.

5 Mr. Anderson, stand up.

6 The witness: I do not know.

7 The CONSTABLE: Alright.

8 Mr. ATKINS: Do you want the other gentleman's

9 name?

10 Mr. Anderson: No.

11 The CONSTABLE: No. He has nothing to

12 do with this. Can he?

13 Mr. ATKINS: No, Sir.

14 Mr. McLAUGHLIN: Well, I am not sure that I know

15 who the other gentleman is, Sir.

16 The CONSTABLE: Mr. Humphrey perhaps could

17 explain his own position, my dear.

18 The CONSTABLE: He was an innocent victim of

19 Mr. Humphrey's, on the occasion. That has brought

20 through to us.

21 Mr. McLAUGHLIN: Does will be a matter for

22 Mr. Humphrey to explain.

23 Mr. Anderson: That is what I said.

24 Mr. Atkins:

25 Q. Then the priority is the Commissioner of

26 the Royal Court.

27 The CONSTABLE: Are you leaving this matter

28 with Mr. Atkins? He said that Mr. Anderson

29 and Mr. Atkins will handle? That just for that purpose.

30 Mr. Anderson: It involved some —

(To the witness)Dir Mr. Humphrey explain to you his presence there?

A: No sir, ; not that I recall. They dropped in. That is about the sum and substance of it.

Q: Dir McDermott and he - Did they appear to be strangers to one another?

A: No, they did not.

Q: I am going back one year earlier to the Tisdale club prosecution. Were you involved in the Tisdale Club, in Peterborough? (sic)

A: Yes sir, I was.

Q: And we here have been advised by Mr. Gebertig that he was retained as counsel on that by Mr. McDermott. You were here to hear that?

A: Yes.

Q: Do you know who the other counselwas with Mr. Gebertig?

A: It was Mr. David Humphrey.

Q: Now, prior to June, say of 1958, had you had any other occasions - were there any other occasions at which you met Mr. Humphrey with either McDermott, or Feeley?

Did either of them request the right to call Mr. Humphrey whenever you raided the premises?

A: They did at a later date, yes. 1960.

Q: I see. But prior to June, 1958?

A: I beg your pardon. 1959. August, 1959.

Q: I see. That would be one year later?

A: One year later.

Q: I am asking prior to that: June, of 1958?

(In the witness's box: Daughter stands in for the
witness Ahmed)

Q: Is this your [illegible] pencil. Yes?

Daughter: That is mine the one not functioning at 5...

Q: You recognize this as I did when Ayesha
to be examiner in the condition?

A: Yes, that [illegible].

Q: I put [illegible] [illegible]
the Thursday club incorporation. Where you involved in
the Thursday Club, in [illegible] (sic)

A: Yes sir. I was.

Q: Did we have been called by [illegible]
[illegible] that we [illegible] as counsel on behalf of
Mr. Mohammed. You were there to hear that

A: True.

Q: Do you know was the other commissions
were in, [illegible]?

A: I was in, [illegible].

Q: Now prior to [illegible], did [illegible] [illegible]
had any other occasions - were there any other
occasions in which you saw Mr. Daughter [illegible]
[illegible]; or [illegible]

The witness of [illegible] [illegible] to call
Mr. Daughter whenever you metted the [illegible]?

A: They did so a lesser date, yes. [illegible].

Q: I see. Did [illegible] to [illegible]

A: I [illegible] [illegible]. [illegible], [illegible],

Q: I see. Also would be one year [illegible]

A: One year later.

Q: I [illegible] [illegible] [illegible], [illegible]

A: Not that I recall, Sir.

Q: And, coming to June of 1958, I believe the first entry you have in your diary about this old Ramsay Club, as I have described it, is on June the second, 1958. Is that correct?

A: With regard to raiding and investigating, I would have to see the diary, Sir. There was a complaint that I received.

Q: I am going to come to that in a minute. Is there anything prior to June the second, 1958?

A: Corporal Shrubb at that time was in receipt -- and in my absence --and I wrote he was in receipt of other information.

Q: Did Corporal Shrubb advise you at the time that he had been in receipt of, or was in receipt of telephone calls from Vincent Feeley?

A: Oh, yes.

Q: And what were these telephone calls?

A: What ---

THE COMMISSIONER: What was this?

MR. McKINNON: Prior to June the second, 1958.

THE WITNESS: 1958? That is correct.

Q: Did he tell you the substance of those telephone calls?

A: As I recall it, it was relative to the raiding of the Ramsey Club, and how to go about doing it.

Q: In other words, Feeley was urging Corporal Shrubb to raid the old Ramsey Club, and telling him how to to do it?

A: That is correct, Sir.

THE COMMISSIONER: Don't you think we ought to get that from Shrubb, rather than from this man?

MR. McKINNON: Quite right as to the details, but I think it important to know that this man was so advised, prior to Stringer giving the detail. (To the witness): And did Corporal Shrubb make memos at that time, of those conversations to your knowledge?

A: He did, and also on one or two occasions tried to tape --

THE COMMISSIONER: Tried to what?

THE WITNESS: Record them on a tape recorder, My Lord.

Q: Did you see those memos, and listen to the tapes shortly after the time they were made?

A: I did.

Q: And was the detail the Shrubb received from Feeley, with regard to the procedure to be taken in raiding the old Ramsey Club very similar in content and form - at least in content, to the Stringer brief when it was handed to you?

A: I do not recollect all of Shrubb's, the details by Shrubb, except one-- except for one, which was so very obvious to me.

Q: Yes?

A: I think it was the fact that the second floor -- the main floor being a post office, and being able to remove the plate from the down - pipe to catch the dice.

Q: Was this something Shrubb told you Feeley had told him to do?

A: That is correct.

Q: Did that appear in the brief?

A: It did not appear in the brief, but it dod come up in conversation.

Q: Yes. Conversation with whom?

A: With Inspector Stringer.

THE COMMISSIONER: The conversation between you, and Stringer?

THE WITNESS: Yes, My Lord. He mentioned that very same matter.

THE COMMISSIONER: When?

THE WITNESS: That would be August the 7th, My Lord, in 1958

THE COMMISSIONER: That is the date he handed you the brief?

THE WITNESS: That is correct, Sir.

BY MR McKINNON: Q: Did he appear to believe that was in the brief?

A: That I do not know.

Q: I take it in exhibit 103, your memorandum or report of August 12th, 1958, that it is this bit of information you are referring to in paragraph 6 on page two of that exhibit. And, if I may read it to you, witness: Quote "Inspector Stringer also mentioned the fact that the downstairs premises was a post office, and that they were needed -- (correcting in reading) and that if we had any means of getting into the basement we could possibly take the connection off the down pipe and get the disc, etceters, that would be flushed down the toilet. This is the exact, same suggestion as put forth

I believe by Vincent Feeley to Corporal Shrubb."

A: That is correct.

Q: And this report of August the 12th, 1958: was it prepared on that day?

A: The 12th?

Q: Yes.

A: It might have been the 11th, and 12th; and typed on the 12th.

Q: But, in other words, it was prepared before the raid took place?

A: Oh, yes.

(Page 2340 follows)

I relatively Vincent Molloy to compared Arnold."

Q: [illegible] in memory.

Q: And this report of August the 12th, 1924, was it prepared on chart chap?

A: The [illegible]

Q: Yes.

A: It might have been the 11th, and 12th; and typed on the 12th.

Q: But, in other words, it was prepared before the pill-box fight?

A: Oh, yes.

(Page [illegible] follows)

MR. MacKINNON: To follow that through, did you take the connection off the drain pipe and catch the dice?

A. We were just a second too late in being able to take the plate off.

Q. The dice had gone by, by then?

A. Yes, but we were able to retrieve them from the trap.

Q. I see. And throughout this period then, of June ---

THE COMMISSIONER: Just a moment then. There was no mention of that in the brief.

THE WITNESS: No sir, that wasn't in the brief, that was verbally, during my conversation.

THE COMMISSIONER: Now to get to the down pipe, did you have to go through the post office?

THE WITNESS: Yes, it was late at night.

THE COMMISSIONER: Had that occurred to you before you talked to Stringer?

A. As I say, it did come up between Feeley and Shrubb.

MR. MacKINNON: But Shrubb had already told you this, that Feeley had told him that

this was the thing to do?

A. Yes.

THE COMMISSIONER: Your point is, that Stringer told him about that?

MR. MacKINNON: That is right, and my suggestion is, that Stringer must have got it from some source, and it looks like the same source as Corporal Shrubb received his information. And I suppose, to be fair to you, witness, this is another reason why you were suspicious, as you put it, of the brief, and of Inspector Stringer?

A. That is correct, sir.

Q. Then turning to June 2nd, 1958, you have stapled to the page a type-written notation which reads:

"Sgt. John M. Anderson"

at the top of the piece of paper:

"re 1693 Victoria Street, Niagara
"Falls, alleged bookmaker - large
"scale - "

And then there is a little memorandum apparently, reading as follows:

"A long distance call this date
"Proprietors said to be one Louis
"Anzelli, and Benny Nicilleti.
"Said to be hooked up with American
"Gangsters.
"For your attention please.

"Jas. B."

Now, is this a memorandum you received on that date?

A. Yes sir, it is.

Q. And who is 'Jas. B.'?

A. James Bartlett, the present Deputy Commissioner.

Q. Did you have any discussion with him as regards that memo. at that time?

A. No sir.

THE COMMISSIONER: Let me see that. Did Bartlett give this to you in the form in which it is there?

THE WITNESS: In the form it is there, yes sir.

THE COMMISSIONER: Did he hand it to you?

A. I can only believe sir that it was sent around in one of the Inter-departmental envelopes, because on that particular day I am out of town for that date, so I would say that I received it in the Inter-departmental mail.

THE COMMISSIONER: Did you ever speak to Bartlett about this?

THE WITNESS: Not that I can recall, my lord. I may have done on other days, but I cannot recall.

"Good, S."

Now, is this a book-cover you received on Tues-
day?

A. Yes sir, it is.

Q. And who is "Lucy, S."?

A. Lucy Bartlett, the prose-
cutrix [illegible].

Q. Did you have any discussion with
him as regards that book, at that time?

A. No sir.

THE CONSTABLE: Let me see that.
Did Bartlett give this to you in the form in
which it is now?

THE WITNESS: In the form it is in now,
yes sir.

THE CONSTABLE: Did he hand it
to you?

A. I can only believe he did. It
was sent around in one of the "Lucy-department-
envelopes", because on that particular day I
am out of town for that date, so I would say
that I received it in the Lucy-department-
mail.

THE CONSTABLE: If you ever
speak to Bartlett about this?

THE WITNESS: Not that I can recall,
my lord. I may have done on some days, but
I cannot recall.

MR. MacKINNON: You stated you were out of town on that day. Were you in Niagara Falls?

A. Yes, I was in Niagara Falls.

Q. And what was the purpose of your trip to Niagara Falls?

A. Here I have, "Contact Magistrate Roberts re Fort Erie".

Q. I see.

A. "Re Fort Erie gaming house, Mr. Common". Now I cannot recall what that was about.

Q. It does not indicate, in any event, the Old Ramsay Club?

A. No, no.

Q. Then on June 3rd did you receive any calls with regard to the Ramsay Club?

THE COMMISSIONER: What year?

MR. MacKINNON: 1958.

THE WITNESS: There was a telephone call received at the office for me to contact Mr. Bowman, and I called Mr. Bowman on that particular day.

Q. Mr. Bowman of the Attorney General's Office?

A. Yes, that is correct, sir.

Q. And what was that conversation?

A. I was advised that the club was operating in Niagara Falls, Ontario, and

Q. Mr. McCullough: You mean you were out of town on that day? Have you an alibi?

A. Yes, I was in Saugus Malin.

Q. And what was this business of?

A. Here I have, "Contract Negotiations Submits to Port Board".

Q. I see.

A. The Port Port Dining Room, Inc. Contract. But I mention Lewis Hotel Corporation.

Q. Do you not recall, in any event, the Old Kenney Club?

A. No, no.

Q. Then on June 3rd did you receive any calls with regard to the Kenney Club?

[illegible]

[illegible]

THE STENOGRAPHER: There was a telephone call received at the office for me to contact Mr. Kenney, and I did. Kenney on some personal [illegible].

Q. Mr. Kenney of the Kenney Restaurant Corporation?

A. Yes, that is correct, sir.

Q. And what was that conversation?

A. I was received over the club [illegible] Kenney, Kenney, and

that the information was from Mr. David Humphrey, the lawyer.

THE COMMISSIONER: Just a moment, please.

MR. MacKINNON: And did Mr. Bowman advise you as to how he had received this information from Humphrey? Was it an interview, or telephone call?

THE WITNESS: As near as I can recall, I believe that Mr. Humphrey had been up in Mr. Bowman's office.

Q. And was it suggested to you what you should do about this complaint?

A. It was just information I took as being passed along, that this club was in operation.

THE COMMISSIONER: I suppose there was a suggestion you do something about it?

THE WITNESS: Not in so many words. Yes sir, there was information passed along.

THE COMMISSIONER: There wasn't anything sinister about it?

A. No, sir.

MR. MacKINNON: Then I note from your diary entries, and correct me if I am wrong, it appears that the next dealings, or consideration you gave to this club was on June 15th, 1958, when you received a phone call from Mr. Feeley?

A. Yes, that is correct.

Q. And why did Mr. Feeley call you on that date?

A. Well why he called I don't know, but it was in connection with the fact that Napolitano had been attempting to get into his club, or the Vets Club in Cooksville.

Q. This was the occasion that Feeley had had Napolitano's picture taken?

A. The photograph, that is correct, and he phoned up apologising for having taken the picture.

Q. He knew who Napolitano was, quite obviously?

A. Quite obviously.

Q. Did you ask him how he knew?

A. No sir; a lot of these things you kind of take for granted. But he did state that he meant nothing by it, and I remarked to him, 'Oh, that is only your way of checking out' but that I would like to know who he checked these photographs with.

Q. Did -- but he did not answer that question, I suppose?

A. No, he didn't.

THE COMMISSIONER: Well, had you tried to get Napolitano in there as an under-cover man?

A. That is correct, my lord. He worked under cover for a few months in the

Q. And why did Mr. Hooley call you a [illegible]?

A. Well, we called I don't know, but it was to [illegible] that that was [illegible] at the Ford Bar Club, or the Vets Club in Goodwillie.

Q. Did he say [illegible] Hooley was the Republican [illegible]?

A. The [illegible], that is [illegible], and is [illegible] to [illegible] [illegible] from the [illegible].

Q. To know who Napolitano was, quite [illegible]?

A. [illegible].

Q. Did you ask him how he knew?

A. No sir; a lot of times things you read or talk for granted. [illegible] [illegible] [illegible] by it, and I [illegible] to him, "Oh, what is only your way of checking out; but that I would like to know [illegible]?

Q. Did -- but he did not answer that question, I suppose?

A. No, he didn't.

The [illegible] that, had you [illegible] to get Napolitano in there [illegible] over me?

A. That is [illegible], by [illegible]. [illegible]

real estate firm. Excuse me, he complained about the Niagara Falls Club being of American interest.

THE COMMISSIONER: Being what?

THE WITNESS: He complained about the Niagara Falls Club being American interest.

MR. MacKINNON: He was shown ---

THE COMMISSIONER: Let him finish, please. Which Niagara Falls Club?

THE WITNESS: This would be the Ramsay, my lord.

MR. MacKINNON: The Old Ramsay?

THE WITNESS: Yes, the Old Ramsay, my lord.

MR. MacKINNON: Is he suggesting ---

THE COMMISSIONER: Please, Mr. MacKinnon! The Niagara Falls Club - the Old Ramsay Club being what?

THE WITNESS: Of American interest.

THE COMMISSIONER: Why would he complain about that?

THE WITNESS: He went on to say that the Fort Erie Club and the Alpha Club were Canadian ...

MR. MacKINNON: Sort of a nationalistic clique?

THE WITNESS: Well - patronize the Canadian interest.

THE COMMISSIONER: Yes?

THE WITNESS: That the Fort Erie and Alpha Club were Canadian interest.

THE COMMISSIONER: Yes?

THE WITNESS: He also stated that he hoped Napolitano would not give his Italian friends the wrong impression at the Club.

MR. MacKINNON: Was there any further discussion of the Old Ramsay Club that you can recall?

A. No sir, I can't. This was a Sunday afternoon, right at supper time , and there was a brief conversation.

Q. Then the next entry I can find in your diary, and once again correct me if I am wrong, in connection with the Ramsay Club, appears to be June 20th, 1958 - it might have been June 17th - there is a very cryptic note there.

A. June 17th, there is a brief note here.

Q. Was it in connection, among other things, with the Ramsay Club, the Old Ramsay Club?

A. No sir.

Q. No?

A. Unless you are referring to June 16th, where I contact the chief constable in Niagara Falls.

Q. June the 17th, I have ---

A. On June 17th there is: "Met at office, re --- "

Q. "Re gaming house ---"

A. Oh, yes, 1 p.m. to 1.30 p.m.; 3 p.m. to 4 p.m. "In Mr. Common's office re gaming house".

Q. Do you know what gaming house that was?

A. Pardon?

Q. Do you know what gaming house that was you were meeting Mr. Common about?

A. No sir, I don't.

Q. Well then, let us get on to June 20th, I wonder if you will tell the Commissioner just what you did on that date in connection with the Ramsay Club?

A. On June 20th, 1958, I have noted here, "At 9.45 a.m. Mr. Common's office and Mr. Bowman, re action to be taken re the Fort Erie Club under cover investigation to continue periodically, raids to start in conjunction with Niagara Falls".

Q. Is Bertie Township in there as well?

A. Well at this time, that Fort Erie, that would be the Bertie Township.

Q. Now, did you at this time Sergeant, receive instructions from the Attorney General's Office to concentrate on

one gaming house at a time, and to concentrate on those in the Niagara Peninsula first?

A. That is correct, sir.

Q. From whom did you receive those instructions?

A. I believe it would be Mr. Common that would issue those instructions.

Q. Well I think in fairness to Mr. Common, I should show you the statement which you apparently made for the purposes of the prosecution of former Police Constable R. J. Wright, and at the bottom of page three of that statement you refer to this matter, and the instructions received.

A. Mr. Bowman.

Q. Pardon?

A. Received from Mr. Bowman.

THE COMMISSIONER: What?

THE WITNESS: The suggestion at that time, my lord, was instead of splitting up the raids on these different clubs, to concentrate our efforts on one club at a time, starting with Port Erie in the Niagara Peninsula.

THE COMMISSIONER: Yes?

THE WITNESS: Leaving - they have there - the Vets Club to the last.

MR. MacKINNON: That is the Centre Road Veterans Club in Toronto Township?

A. Yes, starting in with the Niagara Peninsula first.

Q. And that would be the Old Ramsay Club?

A. At that particular time, that date, it would be the Bertie Township Club. It did not go out of business until July of that same year, but our efforts then were concentrated on the Ramsay Club after that club went out of business.

Q. Yes. And was it on June 20th that you received these instructions?

A. I would say yes, sir; That was Mr. Common's office, and Mr. Bowman's, re action to be taken - the Fort Erie Club, "re Fort Erie Club". That is just what I read in my diary.

Q. I see. Then you have told us that on August 5th you were contacted by Inspector Stringer for the first time, is that correct?

A. That is correct, sir.

Q. Now, when he met with you for the first time, he produced this memorandum, exhibit number 101, is that correct, unsigned?

A. Yes, unsigned, by Corporal Gould.

Q. Yes.

A. That is correct, sir.

Q. Now in reading this, is there anything particularly 'top secret' about it, that you could not have given - that could not have been given to you over the telephone?

A. No, sir.

Q. You receive this sort of information daily - or almost?

A. Well, at times.

Q. Yes. Maybe I can follow it up in this fasion as well: did you do anything about it?

A. No, sir.

Q. Do you know whether Inspector Stringer did?

A. Not to my knowledge.

Q. Was there ever any mention made of this once he had handed the Stringer brief to you?

A. No sir, that was forgotten.

Q. Then turning to exhibit number 103, which you say you made on or about August 12th, 1958, the second last paragraph, on page three, it says as follows:

" It is my opinion that from the "time I was talking with Inspector "Stringer on Tuesday Night until "Thursday evening - this letter "was not prepared in the City of "Niagara Falls but in the City of

"Toronto. Inspector Stringer stated "that he was in the City since shortly "after noon hour on Thursday to get "delivery on a new car from Gorries - "but didn't get it. I am of the "opinion that that is the time the "letter was written and at the office "of Dave Humphrey's - ex assistant "Crown Attorney in the City of Toronto "and known to be affiliated with the "gambling fraternity of FERLEY AND "McDERMOTT".

THE COMMISSIONER: What are you reading from?

MR. MacKINNON: From exhibit number 103, sir, which is his report, or memorandum, of August 12th, 1958, which he advised me he made on or about that date.

THE COMMISSIONER: What paragraph? Oh, yes, I see. It is in red ink.

MR. MacKINNON: May be it is, sir.

THE WITNESS: On the original it was done in red ink, my lord.

THE COMMISSIONER: Why? Stressing importante?

THE WITNESS: Just to stress it, in my mind, yes sir.

THE COMMISSIONER: What was Tuesday?

THE WITNESS: Tuesday was the fifth,

sir.

THE COMMISSIONER: Thursday would be the seventh. And this letter was not prepared in the City of Niagara Falls, but the City of Toronto, you mean the brief?

THE WITNESS: Yes, my lord.

THE COMMISSIONER: Yes. I suppose the next question is 'what gave you that opinion'?

MR. MacKINNON: That is why I was trying to lay some of the background, sir.

THE COMMISSIONER: Yes.

MR. MacKINNON: Why were you of the opinion that Mr. David Humphrey's had a hand in preparing this brief?

A. Well in that only knowing that Mr. Humphrey was associated with Feeley and McDermott, as their lawyer.

Q. And you had been advised by Bowman that Humphrey had gone to see him about this matter, had you not, by this time - June 3rd I think you stated?

A. No, that Mr. Humphrey had been in his office, and mentioned about the club.

Q. That is right.

A. Yes, but not advised --

Q. No, no, but mentioned the Ramsay Club, and that it was in business?

A. That is correct.

Q. And then you go on to say - the last paragraph on page three:

air.

THE COMMISSIONER: Thursday would be the second. And this lunch was not proved in the City of Niagara Falls, but the City of Toronto, you mean the brief?

THE WITNESS: Yes, my lord.

THE COMMISSIONER: Yes. I suppose the same question is taken also you mean?

MR. MACDONALD: That is why I was trying to lay some of the background, sir.

THE COMMISSIONER: Why were you at the opening that Mr. Macdonald's had a hand in preparing this brief?

A. Well in that only knowing that Mr. Macdonald was Chairman of the Government, as their lawyer.

Q. Had you had some position by reason that Humphrey had gone to see him about this matter, had you not, by this time - these 3rd I think you swear?

A. No, that Mr. Humphrey had been in his office, and mentioned about the club.

Q. Then he told?

A. Yes, but not covered --

Q. No, no, but mentioned the Humphrey club, and that it was in Dundurn?

A. That is correct.

Q. And then you go on to say - the

[illegible]

" It is quite evident that
"Inspector Stringer's main purpose
"in contacting me was to talk about
"the Ramsay Club of Niagara Falls.
"I thought it more than odd that he
"should contact me, as, since the
"time I assumed command of the
"Branch, from Inspector Tomlinson -
"Inspector Stringer has not dealt with
"me personally but only with Corporal
"Shrubb. "

Now, is that a correct statement of your impression at that time?

A. Yes, sir.

Q. It was evident to you that Inspector Stringer's main purpose in contacting you was not to talk about the gambling in Peterborough, but to get into your hands the Stringer brief?

A. I would say yes, sir.

Q. Now, since that time, have you discovered any other facts, or reasons, which might lead you to change your view?

A. To change it, no.

Q. Then also on page three of this memorandum, the second paragraph from the top, you refer to Inspector Stringer sort of running down Corporal Shrubb in the immediately preceding paragraphs - the three

preceding paragraphs, and then you say:

" I do believe that there is
"some underhanded business going on
"to upset the workings of this
"Branch with respect to the
"major gaming houses - Fort Erie
"and Toronto Township."

THE COMMISSIONER: I am sorry, I have not found that.

MR. MacKINNON: It is the second paragraph on page three. And then you say:

"The three preceding paragraphs
"could well be part of that plan."

Now, what was the major gaming house in Fort Erie, that you had in mind?

A. This was 1958, that would be the Vets Club, or the Frontier Veterans Association.

Q. And Toronto Township?

A. Was the Centre Road Veterans Association.

Q. Did you have other reasons for believing that there was some underhanded business going on to upset the workings of this Branch?

A. I think that xxxx has been delved into, sir, but the fact that Inspector Stringer - he was friendly towards Corporal Shrubb - he was trying to get him off the

Branch, and all of a sudden when he was talking to me, he is referring to Corporal Shrubb that you can't trust him - it is about face. These things are my belief.

Q. Were you aware at this time, by this time I mean August of 1956, that Inspector Stringer had also approached Sergeant Hatch in a similar fashion to his approach to Corporal Shrubb, to have him ---

A. I was aware of it, yes; just the exact date I cannot say, but I was aware of that fact.

Q. Well now, Sergeant, we have had Mr. Bowman phoning you, and Mr. Bartlett leaving you a note, and Mr. Feeley phoning Mr. Shrubb, and Inspector Stringer bringing you the brief on this club. Did you receive complaints from any other source?

THE COMMISSIONER: Well now, just a moment. You are not intending, or are you intending to bracket Bowman and Feeley the same?

MR. MacKINNON: No, sir.

THE COMMISSIONER: Well it might be interpreted that way.

MR. MacKINNON: I am just - so that he won't repeat himself - I think I have isolated the four complaints he received?

THE COMMISSIONER: Yes.

MR. MacKINNON: Bartlett, Bowman, Stringer.

THE COMMISSIONER: Yes, but Stringer might have been interested in this other club being put out of business, for reasons quite different to the reasons that Mr. Bowman had in mind.

MR. MacKINNON: I am not going into the reasons, sir, I want to know if there was anybody else that complained to you about this club, outside of these four people?

THE WITNESS: There may be other complaints received, and I think, as I stated before, by Corporal Shrubb.

Q. Any by yourself, that you can remember?

A. No sir, I can't.

Q. Had you been advised at this time that the operators of the Frontier Club were looking for a new outlet in the Niagara Peninsula, in the Ontario Provincial Police areas?

A. I do ---

THE COMMISSIONER: At what time?

MR. MacKINNON: In the summer of 1958?

THE WITNESS: I do recall, sir. I don't know where it came from, but there was some suggestion, I believe, they were located

either in Bertie Township or outside of Bertie Township.

Q. Bertie Township wouldn't be too healthy for them in view of the 1959 raids made by the local police?

A. That is true.

Q. And then if I might - have you got the 1959 -- I am showing to you exhibit 83 Sergeant, which is your diary for 1959, and I would ask you to look at your entry for March 31st, 1959.

A. Yes.

Q. Now, did you on that date ---

THE COMMISSIONER: March what?

MR. MacKINNON: March 31st, 1959, sir.

Q. Did you on that date attend with Assistant Commissioner Kennedy on Commissioner Clark?

A. Yes, sir.

Q. And what was the purpose of that attendance?

A. To fill the Commissioner in briefly on certain things that had happened.

Q. And was that once again in connection, at least in part, with Inspector Stringer?

A. That was, sir.

THE COMMISSIONER: Anything that

[illegible] [illegible] [illegible] [

you have not told us yet?

THE WITNESS: Do you want me to read it, sir?

THE COMMISSIONER: Did it include anything that you have not told us about yet?

THE WITNESS: I don't think so sir. I think everything has been in. I mean, sir, all this has to do actually with evidence of Corporal Shrubb.

MR. MacKINNON: And in this diary notation you referred to photographs. Did that have anything to do with Inspector Stringer?

A. No, sir.

Q. What was it in connection with?

A. I believe it was explained once before, that photographs -- there were three premises where the officers had been photographed; one was the Windsor Club, and Constable Perpich, he was photographed as he entered the premises. The other time was Constable Napolitano, when he was working under-cover, to get into the Vets Club, he was photographed.

Q. I see.

A. The third was an officer who worked in St. Catherines in an under-cover capacity, and he was also photographed.

THE COMMISSIONER: Just a moment. How do you spell that first one?

THE WITNESS: I think it is spelt P-e-r-p-i-c-h, my lord. Joseph Perpich.

THE COMMISSIONER: And who was the third man?

THE WITNESS: Pardon?

THE COMMISSIONER: Who was the third man over in Niagara Falls?

THE WITNESS: His name was Larry Wood, my lord.

THE COMMISSIONER: At what club was that?

THE WITNESS: That wasn't a club, my lord, it was just a general routine on bookmaking. He was an under-cover man in St. Catherines.

THE COMMISSIONER: You tried to get Perpich in, in the Windsor?

THE WITNESS: Yes.

THE COMMISSIONER: And Napolitano in the Vets Club?

A/ Yes.

THE COMMISSIONER: And Wood was just an under-cover man at large?

THE WITNESS: Yes, sir, to get into any gaming, or betting house. I think we had a complaint or request to assist.

MR. MacKINNON: And just so that we will clear the picture, I have already gone over this with you on another day, but it was

THE WITNESS: I think it is quite
--------, Mr Gore, Jimmie Trevors.

THE CROSS-EXAMINER: And was was the
third man?

THE WITNESS: Yes.

THE CROSS-EXAMINER: The two men
were in Shadow Valley

THE WITNESS: Yes, Sir.

THE CROSS-EXAMINER: Do you know
anything?

THE WITNESS: They weren't a club,
my lord, it was just a general routine on
poaching. He was an under-over man in
it, Jeremiah.

THE CROSS-EXAMINER: You going to
get Parkinson in, in the Hungary

THE WITNESS: Yes.

THE CROSS-EXAMINER: And Boyington
in the same case?

A. Yes.

THE CROSS-EXAMINER: And Young was
just an under-cover man or lurker?

THE WITNESS: Yes, sir, to get into
any gaming, or betting house. I think we
had a complaint or rumour to warn.

Mr. MACKINNON: Now just so that
we will cover the ground, I have already gone
over that with you in another 20, we if you

in connection with your raid on the Old Ramsay Club, that the solicitor for the club, when you attended at his office with the search warrant, accused you of being a stooge for Feeley and McDermott, isn't that correct?

A. He just mentioned the name McDermott.

Q. And he apparently believed you were serving Mr. McDermott's best interests by raiding the Ramsay Club - the Old Ramsay Club?

A. Evidently, yes.

(Page 3265 follows)

MR. MacKINNON: Q. Now in connection with Mr. Humphrey, I would like to refer you to your diary for 1960, which is Exhibit 37, and to your entry for June the 17th, 1960. Now, have you requested permission to execute a search warrant on Humphrey's home and office?

A. I didn't sir, that is Chief Inspector Graham.

Q. Isee. And, was it supposed to be forthcoming on June the 17th?

A. Yes, sir, it was.

Q. And did you receive that permission?

A. No, sir.

Q. And from whom were you to get -- from what department were you to secure that permission?

A. Well, of course, again, it was Chief Inspector Graham who was to obtain that permission.

Q. Well, was it to come from the Commissioner?

A. Through the Commission from the Department of the Attorney General, Mr. Common.

Q. Well, now, you don't mention Mr. Common there.

A. Correction on that, it isn't Mr. Common, it's Mr. Bowman.

Q. Yes. Then, so that was the 17th of June? When did you finally receive

Mr. Anderson: Q. Are you acquainted with Mr. Hardaway, if memory serves me correctly, that he was at one time Land Commissioner for the Illinois Central Railroad Company?

A. I believe he was Land Commissioner.

Q. Does. And, was it supposed to be Commissioner on June the 17th?

A. Yes, sir, it was.

Q. And did you receive that Commission?

A. No, sir.

Q. And from whom were you to get — from what Commissioner were you to receive that Commission?

A. Well, of course, again, it was that Mr. Hardaway. Well, he was to always have priority.

Q. Well, was it to come from the Commissioner?

A. Therefore the Commission from the Commissioner of the Attorney General, Mr. Hogan.

Q. Well, you, you mean Commissioner Mr. Hogan then.

A. Commission on land, it isn't Mr. Hogan. It's Mr. Brown.

Q. Yes. Then, in June was the 17th

permission to execute the warrant and when did you execute the warrant?

A. We executed the warrants on Wednesday, June 22nd.

Q. And did you assist in the execution of the warrant?

A. I did. At Mr. Humphrey's residence.

Q. And did you have any discussion with Mr. Humphrey at that time?

A. He did phone the house -- his wife had been quite sick and he did phone the house and I spoke to him at that time.

THE COMMISSIONER: Q. Well, was he there when you executed the warrant?

A. No sir, he was down at the other office when the other officers were there.

MR. MacKINNON: Q. You were not at the office to execute the warrant.

A. No sir, I was at his residence.

Q. Do you know whether there were any files at his office.?

A. No sir, there was none.

Q. Do you whether or not there had been any files at his office?

A. No, sir, I think that Mr. Humphrey advised me that there had been.

Q. Did he advise you where they had gone?

A. Now, I again - I believe the

statement was that they had gone to his brother-in-law.

THE COMMISSIONER: Q. Well, when did he tell you this, and where?

A. My lord, I am not sure whether - I know Inspector Graham phoned me back at the house, I believe it was, and they must have obtained that information from Mr. Humphrey at the office.

Q. I see. Humphrey didn't tell you.

A. No sir. As far as I can recall, now, that is.

MR. MacKINNON QUESTIONS:

Q. Now, you have a notation "No files in garage as stated by Mr. Humphrey". What does that have reference to?

A. Well, again, that the files were supposed to be in his - his, that is, Mr. Humphrey's garage.

Q. But, you did not find anything?

A. We did not find any.

Q. Alright. That was June 17th, you say, that you were supposed to receive permission and, on June 22nd you did execute the warrant.

A. That is correct.

Q. Coming forward a year to 1961 ---

A. I have that here.

Q. Fine. June the 9th, did you have a conversation with -

THE COMMISSIONER: Is that diary in as an exhibit?

[illegible] [illegible] [illegible] [

MR. WILSON: No.

MR. MACKINNON: No. I wonder if it could be, sir, 106. 1961 diary.

--- Exhibit 106: 1961 Police Diary.

MR. MacKINNON QUESTIONS:

Q. Now, on June 9th, 1961, did you have occasion to have a little discussion with Mr Humphrey?

A. Yes sir, I did.

Q. What were the circumstances of that interview or discussion?

A. We were attending court in the City Hall: it was the final day of the conspiracy charge involving Wright, Feeley and McDermott, and we were standing around the hallway waiting for the jury to bring in a verdict.

THE COMMISSIONER: Q. Who is "we"?

A. At this particular time, sir ---

Q. You were, in any event?

A. I was; most everyone was, but on this particular occasion, Mr. Humphrey land Mr. Locke, his partner, were in the hall, at which time I stopped and conversed with them and during that conversation, Mr. Humphrey informed me that he knew five days prior to raid on his office that the raid was pending.

Q. Have you been advised that, Sergeant, subsequent to the execution of the warrant on Humphrey's office, by the officers who were

MR. MARSHALL: No.

MR. MACKINNON: No. I number it 2[illegible] only for purposes of this deposition.

--- (Marked MR. [illegible] Exhibit [illegible].)

Q. Now, on June 9th, 1961, did you have occasion to have a little discussion with Mr. [illegible]?

A. Yes sir, I did.

Q. Then was the discussion of your [illegible] in question?

A. In some considerable detail in the [illegible] it was the first time I had ever discussed [illegible] and [illegible] and [illegible] in a meeting.

MR. MACKINNON: Q. Did it [illegible]?

A. At this particular time, sir ---

Q. Yes sir, in any event?

A. I was [illegible] and [illegible] Mr. Hughes [illegible], with [illegible], came in the hall, at which time I stopped and conversed with them and during that conversation, Mr. Hughes informed me that he had five days prior to meet on his office that the [illegible] had [illegible].

Q. Have you been advised that, [illegible], subsequent to the execution of the warrant on [illegible]'s office, [illegible]

executing the warrants that he appeared to be executing that and that the files had been stripped?

A. I don't know, sir.

THE COMMISSIONER: Q. Well ---

MR. MacKINNON: Q. Who executed the warrant on his office?

A. I believe it was Constable Moore, along with Chief Inspector Graham of Toronto City Police.

THE COMMISSIONER: Q. Well, you were not there: you do not know what impression he could have left with somebody else?

A. Sorry, I don't know, sir.

MR. MacKINNON QUESTIONS:

Q. Did you see what he brought back with them?

A. I believe I did, but I couldn't recall what it is.

Q. Did you ask him who advised him of the pending search?

A. No, sir, I didn't, no sir.

Q. Did he appear to be just making a joke or was he making a statement of fact?

A. The fact that he mentioned five days seemed to be a fact, because that would take it back to approximately a Friday. There was a Mr. Locke, as I recall, was quite put out about the raids being conducted on the clubs, or, pardon me, on the office premises, and also involving the Mr. Humphrey residence, and it was during this conversation that Mr. Humphrey made this remark.

conversing and warmness was to appeared to be
mentioning that had that the Title had been religious.

A. I don't know, sir.

THE CHAIRMAN: Q. Well —

MR. MACINTOSH: A. You answered the question
in his affirmative.

A. I believe in that Commonly known, whom
this Chief Commander Bonnet of Pennsylvania stay with.

THE CHAIRMAN: Q. Well, you were not
there: you do not know what transpires in order
have had this Commonly-place.

A. Sorry I don't know sir.

MR. MACINTOSH:

Q. Did you ever hear in Georgia look also
about.

A. I believe I did, but I totally
forgot about it.

Q. Did you see him was arrived him at
the Jailing house?

A. No, sir, I didn't, no sir.

Q. Did he appear to be just waiting a
place or was he making a conversation of Court?

A. The time that he mentioned then appe
peared to be a fact, because that would take it
back to approximately a Trial. There was a lo-
ther, as I recall, was quite put out about his
name being condoned on the cross, or, pardon me,
on the office creation, and also involving the
Mr. Humphrey personnel, and it was during this
conversation that Mr. Humphrey was his name.

Q. Now, have you made or did you make any examination of the directorate of the Frontier Veteran's Club and the new Ramsey Club to see whether there was any corelation in names and personnel.

A. Between the old Ramsey....?

Q. No, between the Frontier Veterans Club and the New Ramsey Club both of which operations we understand that Peeley and McDermott had an interest in?

A Well, I knew the names.

Q. Does the name H. Daymore mean anything to you?

A. Well, yes.

Q. Was he both a director of the Frontier Veteran's and the new Ramsey from 1959 on?

A. No sir.

Q. You are sure of that?

A. Yes.

Q. How about Frank Muscato?

A. I cannot be too sure of Muscato in the new Ramsey.

Q. Any other people you can think of that were connected with both?

THE COMMISSIONER: Where are you getting these names from?

MR. MacKINNON: From the Provincial Secretary's record sir.

THE COMMISSIONER: Well, can't I look at the Charter and see the names?

MR. MacKINNON: I don't think the Charters

show the names, sir, they just show the applicants.

THE COMMISSIONER: Well, are these the annual returns you are talking about?

MR. MacKINNON: Yes.

THE WITNESS: Well, Hank Daymore, at the new Ramsey, he looked after the lunch counter there.

MR. MacKINNON: Q. Do you remember ---

A. There was a Sid Ross, Alfred Syd Ross, was the steward.

Q. Do you remember Daymore in connection with the Frontier Veteran's Club?

A. I know that Hank Daymore was always there.

Q. I see.

I wonder, sir, if you be prepared to have a little adjournement. There are a few more questions I would like to ask this witness, not with regard to theStringer brief, but with regard to evidence that was given a week ago with relation to certain matters that I think this witness should be questioned on, and I would like to remark on that very briefly.

THE COMMISSIONER: Ten minute recess.

--- Whereupon the Commission recessed at 3:52 p.m.

(Page 2375 follows)

---Upon resuming at 4:04 p.m.

JOHN MILLS ANDERSON resumed the witness stand.

EXAMINATION BY MR. MacKINNON (CONTINUED):

Q. Just so I will understand your position correctly, Sergeant, did I understand you to say that Stringer, Inspector Stringer, at no time advised you that David Humphreys had spoken to him about this matter or had delivered the brief to him,...

A. That is right, sir.

Q. ...Stringer? That is correct?

A. That is right, sir.

Q. No doubt in your mind about that at all, is there, because I want you to think carefully about this?

A. At no time did Mr. Humphrey---

Q. No. At no time, let us make it prior to the raid on the Old Ramsey Club...

A. Yes.

Q. ...did Inspector Stringer advise you either "A" that he had received this brief from Humphrey, or "B" that he had had telephone conversations about the Ramsey Club with Mr. Humphrey?

THE COMMISSIONER: Q. Take it one at a time.

MR. MacKINNON: Q. Now, first of all, "A"?

A. At the receipt of the brief, Mr. or Inspector Stringer only mentioned that "two lawyers"; no names mentioned.

Q. Did he lead you to believe that two lawyers had handed him this brief?

A. Well, two lawyers from Niagara Falls "had dropped in", as he stated, in Algonquin Park. That is where his cottage is located. Now, it centred around two lawyers.

Q. I thought that was just in connection with that there was such a problem and there was such a club?

A. That is true.

Q. Is it also in connection with this brief that he mentioned these two lawyers from Niagara Falls?

A. Well, actually, the lawyers never appeared in the picture again.

Q. Well, then, is it correct to state that at no time did he mention Dave Humphrey's name?

A. That is correct.

Q. That is what I wanted to get.

Now, turning to another subject completely: You were present in the courtroom when Cyril Clark was giving evidence, were you not?

A. Yes, sir, I was.

Q. Yes. And, you will remember that I read to him from your diary of 1960 under date of October 17th, an entry you had made; that is Exhibit 37 in these proceedings?

A. Yes, sir.

THE COMMISSIONER: October, what date?

Q. [illegible] Do you do [illegible] [illegible] [illegible]

MR. MacKINNON: October 17th, 1960, sir.

Q. Now, will you tell us as to what your conversation was with Mr. Clark and what you swore he stated to you on that occasion?

THE COMMISSIONER: Q. Let me see that diary.

A. Yes, sir.

---Diary handed to The Commissioner.

MR. MacKINNON: You will remember, Mr. Commissioner---

THE COMMISSIONER: Just a moment.

All right?

MR. MacKINNON: Q. Now, this Clark---

THE COMMISSIONER: Will you put your question again.

MR. MacKINNON: Maybe I will put a preliminary one:

Q. Cyril Clark, the man in your diary now is the Reeve of Chinguacousy Township, or County -- Township -- Is that correct?

A. That is correct, sir.

Q. Now, will you advise me first of all what was the purpose of this interview you were having with Mr. Clark?

A. Mr. Clark's name appeared on a list of names that was submitted before Mr. Cudney, and on this occasion I was with Inspector Robinson to interview Mr. Clark to see if he wouldn't become a Crown witness with respect to a gaming house charge at The Vets Club.

THE COMMISSIONER: Q. Yes?

A. And it was during the course of our conversation with Mr. Clark that these statements that I have recorded here---

Q. That is just the point I was going to make; you did not record any statements there.

A. Points, not statements, just points.

Q. You have recorded some, but---

A. Points. Cyril Clark, he was willing to talk in one sense, and yet if we were to make notes in front of him he "wasn't going to say a thing", as he put it.

MR. MacKINNON: Q. Did you say there was someone with you?

A. Inspector Robinson of the Toronto Police Department.

Q. And, did you make that entry in your diary shortly after speaking to Cyril Clark?

A. Yes, sir.

Q. Well, then, I wonder if you could go through these points you have made and tell us whether Cyril Clark made these statements to you?

I wonder if the witness could have the exhibit, sir?

THE COMMISSIONER: Yes.

MR. MacKINNON: Q. Now, you state there:

"Mr. Clark made no attempt to hide the "fact that he was a gambler."

THE COMMISSIONER: That is not a statement.

MR. MacKINNON: Q. Well, do you make that as a statement, Witness?

A. And it was during the course of our conversation with Mr. Clark that these statements that I have already made——

Q. That is just the point I was going to ask; you did not record any statements there.

A. Sorry, not verbatim, just points.

Q. You have recorded here, Sir——

A. Yes. Syril Clark, he was willing to talk in one sense, and yet if we were to make notes in front of him he "wasn't going to say a thing", or he was 34.

Mr. McKINNON Q. Did you say there was someone with you?

A. Inspector Robinson of the Toronto Police Department.

Q. And, did you make that entry in your diary during or immediately in that vicinity?

A. Yes, sir.

Q. Well, then, I wonder if you could go through those points you have made and tell us whether Syril Clark made these statements to you?

I wonder if the witness could have the exhibit, sir.

THE COMMISSIONER: Yes.

Mr. McKINNON: Q. Now, you state there: "Mr. Clark made no attempt to hide the fact that he was a gambler."

THE COMMISSIONER: That is not a statement.

Mr. McKINNON: Q. Well, do you make that as a statement, witness?

THE COMMISSIONER: Wait a minute.

"Clark made no attempt to hide the fact "that he was a gambler." And then you...

MR. MacKINNON: That is what I wanted to get.

THE COMMISSIONER: ...have it, using the same language: "Made no attempt to hide the following facts." That is not the same thing.

MR. MacKINNON: But, those facts must have come from somewhere, Mr. Commissioner.

THE COMMISSIONER: All right; you can ask what Clark said.

MR. MacKINNON: That is what I am asking.

THE COMMISSIONER: You may ask that, but don't bundle it all up by saying that Clark made an attempt to do this and Clark made no attempt to do that.

MR. MacKINNON: That is my point---

THE COMMISSIONER: Ask him that.

MR. MacKINNON: Q. What is your recollection with relation to what did Clark say starting with point 1?

THE COMMISSIONER: Q. Witness, it is one thing that you said, "Clark said one thing", and it is another thing to say, "Clark did not attempt to hide a fact." Do you appreciate the distinction?

A. Yes, sir.

Q. You do get the distinction, don't you?

A. I get the distinction, my lord, but as I say, I was unable to write anything down at the time. Those notes are what I made on returning to the office.

THE COMMISSIONER: Q. Those notes are what he did not do -- he made no attempt to hide this and hide that.

MR. MacKINNON: Mr. Commissioner, with respect to what Clark told him he says that certain members of Parliament had an interest in the club.

THE COMMISSIONER: I want to know what Clark said to him.

MR. MacKINNON: That is what I am trying to get from this witness.

THE WITNESS: In that respect, my lord, Mr. Clark admitted he had been down to the club once or twice a month, that is The Vets Club.

THE COMMISSIONER: Q. The Centre Road Club?

A. The Centre Road Club. Not only to the Club, but he had been down in the States and had gambled down in there. He had gambled at various -- I shouldn't say "various" -- but he had gambled at other places in and around the locality.

Q. Yes, all right.

A. So that, on that basis, he freely admitted he was a gambler and interested in it.

Q. He has told us here that he liked gambling.

A. That is correct, sir.

Q. And, that is nothing new.

A. Oh, no.

Q. All right.

MR. MacKINNON: Q. I am coming to the things that he denied there---

THE COMMISSIONER: That who denied?

MR. MacKINNON: Which the Reeve denied.

THE WITNESS: I have made five quotes here: the one I have just quoted, that he visited the premises once or twice a month---

MR. MacKINNON: Q. Did he tell you that?

A. Yes.

THE COMMISSIONER: He said practically the same thing here.

MR. MacKINNON: Actually, he wouldn't be pinned down to that extent, Mr. Commissioner.

THE COMMISSIONER: He said practically the same thing from time to time.

MR. MacKINNON: Q. I would like to know what he told you with respect to Point 2, Witness.

A. There were no names mentioned. He said -- He stated: "Members of Parliament had an interest in the Club."

Q. Did he state that to you?

A. These are stated.

Q. And, Inspector Robinson was there to hear it?

A. Yes, sir.

Q. Did you ask him for names?

A. I can't say whether we did or not, sir. He also stated that other police officers and Wright involved.

Q. What did he mean by that, or did he state what he meant by that?

A. No, he didn't elaborate. P.C. Wright was the officer attached to the anti-gambling branch. He was the---

Q. Did you ask him for the names of these other police officers?

A. I don't believe we did, sir, because during our conversation with Mr. Clark, as you witnessed here, he would only say so much.

Q. Yes.

A. And then that was all.

Q. Then, did he tell you---

A. He---

Q. Yes?

A. He also stated that the Reeve of Toronto Township had been in the Club, and there had been a discussion during the time about mining claims, and Feeley and McDermott's name had come up, and he stated -- this is the fifth one -- his reference to McDermott and Feeley, that they had sold fifty-one per cent of their mining claims. He said -- this is abbreviated; I can't remember every word that he said, but he said that they were bought through the Minister of Mines, and he made reference "that he had been paid off.

Now, these things he did say.

Q. And, once again, Inspector Robinson was there when he made this last statement?

A. Yes, sir.

Q. Did you have any further discussion about the mining claims?

A. Not that I remember, sir. As I say, we were there to find or see if Mr. Cyril Clark would become a Crown witness, and he wouldn't say anything if we were to write it down at that time.

Q. Then, there is one other item -- Have you Inspector Graham's diary for August 15th, 1960?

THE COMMISSIONER: Yes?

MR. MacKINNON: Q. Were you present in the Court -- I believe you were -- when Inspector Graham was giving evidence based on the entry in his diary for August 15th, 1960 as to an interview he had with Chief McGill, and the information that Chief McGill gave him which he stated he had received from the local member, William Davis? Were you present when this evidence was being gone into?

A. I believe I was, sir.

Q. Yes. Now, I note, and possibly, Mr. Commissioner, if I could just read the first sentence of that entry?

THE COMMISSIONER: Well, I do not know where the first sentence begins and where it ends.

MR. MacKINNON: Well, I know where I want to read, and maybe I am wrong in saying it is the first sentence, maybe I should say the first few lines.

THE COMMISSIONER: Maybe you could point it out.

MR. MacKINNON: It has already been gone into. It is this one, sir.

THE COMMISSIONER: We have had all that before. That is where---

MR. MacKINNON: I want to know if this witness knows anything about this with reference to McGill.

MR. WILSON: I know my friend likes to read some of these things, but there is no evidence.

MR. MacKINNON: I have been looking through this witness's own diary---

THE COMMISSIONER: This witness?

MR. MacKINNON: This witness. I think this witness has probably told the same thing with regard to that sentence 1 that Inspector Graham swore Chief McGill told him. Now, Chief McGill swore that he never told anyone that; he agreed that he might have told them as rumours, but so far as Davis coming to speak to him, he at no time had absolutely or ever told him that.

(Page 2390 follows)

[illegible]

THE COMMISSIONER: He can read this, without repeating it. Don't read it aloud, Witness. Look at it.

Mr MacKinnon, put a tick at the beginning of what you want him to look at and a tick at the end.

(Mr MacKinnon marks).

THE COMMISSIONER: Now let me see where you have put the ticks. (Document produced to Commissioner).

MR MACKINNON: The first sentence and the last sentence, sir.

THE COMMISSIONER: Q. Without repeating this, what do you want to ask him about it?

MR MACKINNON: Q. Have you straight in your mind the first and last sentences?

A. No, I haven't.

THE COMMISSIONER: He has ticked it here now, Witness. Read it to yourself.

Yes, Mr MacKinnon, he has the first sentence. Now, what do you want to ask him about it?

MR MACKINNON: Q. Did you at any time up to the present time -- maybe I should say: were you at any time up to the present advised in similar terms by Chief McGill?

A. No, sir, I was not.

Q. You have never had any interview with him about this particular matter?

A. Not that particular matter, no,

sir.

Q. How about the bottom line?

A. No, sir.

Q. On neither?

A. On neither of those, no, sir.

THE COMMISSIONER: Well, that was sort of weak.

MR MACKINNON: Well, you see, I have just been given these.

THE COMMISSIONER: Yes, but you see, the danger is that if that had all been read out ---

MR MACKINNON: Well, it has been read out sixteen times already.

THE COMMISSIONER: Oh, I know.

MR MACKINNON: Very well. Thank you, Sgt.

THE COMMISSIONER: Mr Brewin, have you any questions?

MR BREWIN: Yes, sir, I have.

EXAMINED BY MR BREWIN:

Q. Sgt. Anderson, on this very last matter, I have Mr Clark's evidence, Volume 4 at page 719, where he discusses this matter of the last entry. He is discussing the interview with you. At the foot of page 718, line 28, he ---

THE COMMISSIONER: Just a moment; are you going to be referring at some length to that? What volume is it?

MR BREWIN: It is Volume 4.

MR MACKINNON: Page?

MR BREWIN: Page 718.

THE COMMISSIONER: Line?

MR BREWIN: At the foot of the page, line 28, my lord.

THE COMMISSIONER: All right.

MR BREWIN: Q. This is the evidence of Mr Clark, and I just want to get clear on it. Mr MacKinnon is questioning him about this interview that is in your diary, and he says, Mr MacKinnon puts this question to Mr Clark:

"MR MACKINNON: And one of the items "discussed with him was this mining "claim, wasn't it?

A. I couldn't tell you whether it "was or wasn't."

Now, it certainly was discussed with him, wasn't it?

A. Oh yes, definitely.

Q. Then line 9 on the next page, page 719:

"Q. I am sure you ---"

THE COMMISSIONER: Just a moment. (Pause) All right.

MR BREWIN: Q. (reading)

"Q. I am sure you will be called "back on this, Mr Clark. Did you "mention anything to him about the selling "of 51 per cent of mining claims?

"A. No, I didn't".

Is that answer of Mr Clarks' correct?

A. He did make that statement in here although at the time he was asked ---

THE COMMISSIONER: Just a moment. (Pause) All right.

MR BREWIN: Q. That is not true; he did mention to you about the selling of 51% of the mining claims?

A. That is true, sir, but may I just explain, my lord; the way I took that question when it was asked of Mr Clark, I took it to mean: did Mr Clark sell 51%? The actual reference in my diary is in reference to MacDermott and Feeley selling 51%.

Q. Well, I will just put the question to you, as it is here:

"Did you . . ." -- that is Clark --

". . . mention anything to him . . ."

"-- and that is you -- ". . . about the
"selling of 51 per cent of mining
"claims?
"A. No, I didn't."
That is not a correct statement, is it?
A. No, sir; he did mention
it.
Q. Then did you mention anything
to ---
THE COMMISSIONER: Just a moment. (Pause)
All right.
MR BREWIN: Q. (reading)
"Q. Did you mention anything to him
"that members of the Legislature,
"or Parliament, had an interest
"in this club?
"A. No, I didn't."
That is not a correct statement, is it?
A. No, sir.
Q. (reading)
"Q. Did you state to him that
"other police officers, other than
"Wright, were involved?
"A. No, I didn't."
That is a false statement too, I take it?
A. It is, sir.
Q. Then Mr MacKinnon says:
"Q. It is going to be possibly
"in the final analysis just a question
"of whether you are telling the truth

"or Sergeant Anderson, isn't that
"correct?
"A. (No audible answer).
"Q. Pardon? You are denying this
"under oath now?
"A. Yes."

That apparently is what he said at that time but these things that he is denying under oath were true?

A. Those are things that we spoke about during the course of our conversation, sir.

Q. Then again at page 724, line 28 -- there has been some discussion about various matters:

"Q. That is right, and advise me
"whether you told Sergeant Anderson
"this?
"A. No, that I - that is not
"right. I never - I never mentioned
"the mining claims to Sergeant
"Anderson. I told Sergeant Anderson
"that they had this mine, but I never
"mentioned the mining claims."

That is not correct, is it?

A. Not the way he told me, sir.

Q. Then again at the top of page 725:

"A. I maybe said that they had
"the mining claim, but I never mentioned

"any 51 per cent."

He, of course, did mention the 51%, did he not?

A. Yes, sir.

Q. And you had, I think you told us, some other officer with you who heard all this?

A. Inspector Robinson.

Q. Now, if we may get back for a moment to the situation with the Ramsay Club ----

THE COMMISSIONER: Are you through with this?

MR BRENIN: Yes.

THE COMMISSIONER: Then this may be an appropriate time for me to say something. Statements like this, namely that Clark said to this officer that members of parliament or the legislature had an interest in this club, that does not prove that that is so.

MR BRENIN: No, of course not, my lord.

THE COMMISSIONER: No. I think it only fair that matters such as that, when they are brought out in evidence and they reach the headlines in the press, that the press owe a duty to persons who might be taken to be involved to indicate that the mere statement such as this does not prove it to be a fact. And the

public may rush at a conclusion that some such fact has been established in evidence whereas in fact it has not been established.

MR BREWIN: Very true, my lord. It is remarkable though how many of these facts do get established in evidence later.

THE COMMISSIONER: But until they are established I think the public should not reach any conclusion.

MR BREWIN: I agree with your lordship. This is a statement attributed to Mr Clark which he denies.

THE COMMISSIONER: That's right.

MR BREWIN: And of course the reason I am pursuing the matter is that it appears to me that Mr Clark, who holds a responsible position, probably perjured himself, but that is a matter for you to consider, sir. I don't take a light view of the direct conflict, my lord.

THE COMMISSIONER: Certainly there is a direct conflict but let us assume that what Mr Clark — let us assume that Clark said this. That does not prove it to be a fact.

MR BREWIN: No.

THE COMMISSIONER: That is the point I am trying to make.

MR BREWIN: I agree with you, sir, but I think it carries it a little further on the road. It puts us on the alert to investigate

some of these matters.

THE COMMISSIONER: I think it puts you on the alert to investigate the matter but it doesn't carry you any distance in proving it.

MR BREWIN: Oh no. And they are only vaguely members of parliament.

THE COMMISSIONER: That may be a libel on any member of parliament.

MR BREWIN: Perhaps we will have them all in to deny it before we are through, my lord.

Q. I just want to ask you, Mr Anderson, if I rightly understand the position with respect to the old and new Ramsay Clubs in Niagara Falls. The old Ramsay Club was in competition with Feeley and MacDermott, was it not? It was in competition with the Frontier Club in which they had an interest?

A. I think for a short period of time the two operated, that is in approximately May 1958, May to June, 1958, we have the old Ramsay Club.

Q. I put it another way, that the old Ramsay Club was operated by a rival group?

A. I would say yes.

Q. And if Feeley and MacDermott wished to operate in that Peninsula area it would be helpful to them to eliminate a rival

group?

A. That is true.

Q. Then the purpose of the brief that came from Inspector Stringer was to eliminate this particular old Ramsay Club; is that right?

A. Yes, sir.

Q. And it gave detailed information as to how that could be achieved?

A. That is correct.

Q. And that same information or virtually the same information came from Cpl. Shrubb, came from Feeley via Cpl. Shrubb, about the same time?

A. Well, certain parts of that information.

Q. And therefore in actual fact this plan to eliminate the rivals worked, didn't it; the old Ramsay Club was closed down?

A. Yes, sir.

Q. And then it wasn't too long after that that the new Ramsay Club opened up and -- it was several months?

A. Well, the raid was August 1958. The new Ramsay didn't open up until going on into '59.

Q. Although I think you said you didn't have definite proof of it, the new Ramsay Club, Feeley and MacDermott were interested in

[illegible]

[illegible]

[illegible]

it?

A. That is our assumption.

Q. So the effect of this brief was that the manoeuvre, if it was a manoeuvre, to eliminate competition was successful?

A. That is true.

Q. I want to call your attention to what I suggest may not be a coincidence, sir, referring to a report from Cpl. Shrubb which has been made available to me but I don't think it is evidence yet. I just need to refer to it briefly. The statement is made -- perhaps it was handed on to you, Sgt. Anderson -- by Cpl. Shrubb that on May 27th ----

THE COMMISSIONER: Excuse me. Mr Brewin, just show it to him and ask him about it.

MR BREWIN: Yes.

Q. This is page 17 of Cpl. Shrubb's report. I was going to ask you about the item at the bottom.

MR WILSON: What year?

MR BREWIN: This is '38.

THE COMMISSIONER: Just indicate where it is with some ticks.

MR BREWIN: Q. This is it, sir.(Produces to Commissioner).

THE COMMISSIONER: This is Shrubb's report, is it?

MR BREWIN: Yes, sir.

THE COMMISSIONER: Is it referred to in the diary?

MR BREWIN: I don't think it is referred to in the diary. This is a report, I think, made to Inspector Graham in connection with the prosecution.

THE COMMISSIONER: By whom?

MR BREWIN: By Cpl. Shrubb.

THE COMMISSIONER: Q. Do you know anything about this?

A. I cannot recall anything of that, sir. Cpl. Shrubb did keep me informed of everything that went on but I cannot recall that.

MR BREWIN: Q. I will try to recall it to your attention. On May 27th, 1958, Shrubb tells us, and he can confirm it later, I'm sure, that he had a conversation with Mr Feeley. I have no doubt he reported that to you?

A. Yes; any conversation he had with Mr Feeley he reported.

Q. And at this point Feeley is reported as saying — Shrubb says: "The Windsor and Fort Erie Clubs were mentioned and he asked if we had been directed to take action against the Ramsay Club. He said if we had not we would be directed in two or three days". That is Mr Feeley speaking apparently to Shrubb on May 27th, 1958, that they would receive instructions or would be directed in two or three days to take action against the

Windsor and Fort Erie Clubs?

A. Well, that may be so, sir, but I don't recall everything that was said.

Q. I'm sorry; no; I beg your pardon. I got that wrong. I put it to you wrongly. It says: "The Windsor and Fort Erie Clubs were mentioned and he asked if we had been directed to take action against the Ramsay Club. He said if we had not we would be directed in two or three days".

A. Again, that could be so but I don't recall it.

Q. Well, was it not on June 2nd, within a few days after that, that you received the suggestion, perhaps it was, from Bartlett that you should take action against the Ramsay Club?

A. On June 2nd I did receive a short note from Bartlett but we had also a few complaints too. At least, Cpl. Shrubb had a few complaints prior to that.

Q. It was on June 3rd, was it not, I think, that Mr Bowman said that Mr Humphrey had been suggesting that action be taken?

A. That is correct.

Q. Against the Ramsay Club?

A. That is correct, sir.

THE COMMISSIONER: Mr Brewin, would you give me the date of that in Shrubb's diary.

MR BREWIN: My lord, I don't know whether it is in his diary. It is in his report under date of May 27th, 1958, on page 17 of the report that I have been furnished with.

THE COMMISSIONER: What was the date of Bartlett's memorandum?

MR BREWIN: June 2nd, my Lord.

THE COMMISSIONER: All right.

MR BREWIN: Q. Then I want to get the chronology right. On May 27th Feeley tells Shrubb that they would be directed to take action against the Ramsay Club, and if they had not been they would be in two or three days, and it is on June 2nd that Bartlett gives you this note about this Club?

A. Yes, sir.

Q. And on June 3rd Bowman reports that Mr Humphrey has been up suggesting action against the Club?

A. Yes, sir.

Q. And I think, if I understand it rightly, on June 27th there is a conference with Mr Coumon and Mr Bowman at which action against the Club is again discussed?

MR WILSON: I don't think that is the evidence.

MR BREWIN: Q. Is that not correct?

A. June 20th.

Q. This is 1958.

MR WILSON: That is not the evidence.

THE COMMISSIONER: That is not quite right.

MR BREWIN: I'm sorry.

THE COMMISSIONER: June 20th, 1958, there was a discussion in Common's office with Bowman being present about raids to be made at Fort Erie and Bertie Township. About this time he said he received instructions from Mr Bowman to concentrate on one gaming house at a time and to start with the Niagara Peninsula.

MR BREWIN: Q. Well then, it was a little while later in August of this same year, was it not, when you received the brief from Inspector Stringer?

A. That is correct, sir.

Q. And it was on August 18th a raid was made and the Club was in fact closed down?

A. It was raided, yes, sir, and it remained open for a short time afterwards and then closed.

Q. Have you any idea why you were told to concentrate on the Niagara area first? Did you discuss that?

A. No; I took nothing from that, sir, other than the fact that instead of splitting up forces, hitting here and hitting there, that we would take one at a time.

Q. I am just wondering why the

priority. I think you were told to leave the Vets' Clubs until the last?

A. Well, take them in Niagara and work homewards, I suppose.

Q. You didn't inquire why the priority?

A. No, sir, I didn't.

Q. I suppose at that particular time when that suggestion was made, the old Ramsay Club was still in operation, was it not?

A. The old Ramsay Club was just getting into operation.

Q. I have here -- I don't know whether it has been filed, although I think it has been -- a statement that you made, Sgt. Anderson in connection with the charges against Wright. Whether this is filed or not, there are one or two points I want to ask you about.

THE COMMISSIONER: A statement made by him to whom?

MR BREWIN: A statement made by Sgt. Anderson presumably submitted to Inspector Graham and it is in connection with the charges against Wright.

THE COMMISSIONER: What date is it?

MR BREWIN: Oddly enough, my copy doesn't seem to have any date at all. I think my friend, Mr MacKinnon, did refer to this but I don't

believe it has been filed as an exhibit.

THE COMMISSIONER: Has it a date?

MR BREWIN: No, my lord.

MR WILSON: It is undated, my lord.

THE COMMISSIONER: I remember a reference being made to it.

MR WILSON: No, it is not an exhibit, Mr Commissioner.

MR BREWIN: Perhaps it is not necessary — it certainly isn't as far as I am concerned — to make it an exhibit.

Q. I just call your attention to page 6 where you list a number of reasons for raiding the Ramsay Club?

A. Yes, sir.

Q. I won't run over all of them with you. One item, No. 2, is "Information from Inspector Stringer, O.P.P. Peterborough". That is the information you have already discussed and told us about?

A. The brief, yes, sir.

Q. The brief?

A. Yes, sir.

Q. Then item 5 is "Vincent Feeley's remarks to Cpl. Shrubb about how to raid the Ramsay Club successfully"?

A. That is correct.

Q. Then item No. 6 I want to ask you about "Informed by Script Mitchell, whereabouts now unknown, gambling in Club"?

A. That is correct, sir.

Q. Did Script Mitchell give you the information directly?

A. Yes, sir, he did. I used to meet with Script Mitchell the odd time.

THE COMMISSIONER: Q. He was a ——

A. He is the one that is missing, my lord.

Q. He was an erstwhile informer?

A. He was. I never found him too valuable.

Q. Maybe that is why he is missing now.

A. That could be, sir.

MR BREWIN: Q. He was connected with the old Ramsay Club, was he not?

A. Yes, he was supposed to look after the counter there but, as I say, at the time of the raid he was not on the premises. He came in a few minutes later.

Q. Have you your diary for 1959?

A. Yes, sir.

Q. My friend, Mr MacKinnon, asked you about the entry for March 31st, 1959.

A. March 31st?

Q. Yes.

A. Yes.

THE COMMISSIONER: Is that in as an exhibit?

A. Yes; 83, my lord.

MR BREWIN: Q. I have a note that it refers to"Assistant Commissioner Kennedy, Commissioner Clark - office - re Inspector Stringer tip-offs". What tip-offs does that refer to?

THE COMMISSIONER: What date is it?

A. It is March 31st, 1958, my lord. At this time, Mr Brewin, I am not clear on that one myself.

MR BREWIN: Q. Did that have something perhaps to do with the Hamilton raid?

A. Well, it runs inmy mind that that was it but I wouldn't want to say right now, sir.

Q. Telephone calls to Stringer and somebody else; do you recall about the telephone calls that are mentioned there?

A. Cpll Shrubb again is in a better position to mention that than I am, sir.

Q. Then if you would look at the entry of July 27th, 1959, I have a note that there is some reference to a Niagara Falls there?

A. Yes, sir.

Q. It says — the entry for July 27th, 1959, is —

THE COMMISSIONER: What date?

MR BREWIN: July 27th, 1959:

"This date advised that there is "$1000 per week for me re Niagara

"Falls. If I don't take it someone "higher up will".

Can you explain that to me?

THE COMMISSIONER: Whose language is that?

MR BREWIN: This is the diary entry, my lord.

A. That is mine.

Q. Sgt. Anderson's?

A. Yes, my lord.

Q. Who advised you that there was a thousand dollars a week available for you?

A. I was advised by an inspector on the Ontario Provincial Police that one of his informants told him that I would be contacted in this respect, that there was a thousand dollars a week for me, and if I didn't take it then someone higher up would. I was not contacted.

Q. It had something to do with Niagara Falls. It says "Re Niagara Falls"?

A. Within the Niagara Falls area, that is correct, sir.

Q. Who in Niagara Falls was going to make such a substantial income available? Was that suggested?

A. No, sir, there were no names mentioned, no clubs, just Niagara Falls.

THE COMMISSIONER: Q. Who was the Inspector who told you?

"Still, if I don't take it somewhere

"closer up will."

Do you explain that to me?

The Commissioner: Where language is

Yes?

Mr. Martyn: Only in the long history

of land.

Q. That is right.

Q. Q.C. Answer?

A. Yes, sir.

Q. Now, sir, I'm not going into a

thousand dollars a week salary, but

A. I was referred by an insurance

on the Toronto Provincial Police that one or

the insurance, that job was a small is

contended in this request, that there was

a thousand dollars a week for me, and if I

didn't take it from Toronto Edgar up north,

I was not interested.

Q. It had something to do with

Niagara Falls. Is your (Inquire yes)

A. Taking the request still stand,

that is correct, sir.

Q. Now in Niagara Falls was going

to make such a substantial income available

the line expenses?

A. No, sir. There were no money available

no clubs, just Niagara Falls.

The Commissioner: Q. Who was the

inspector who hired you?

A. It was Inspector Wood of the anti-highgrading squad.

MR BREWIN: Q. Did this have anything to do with any club?

A. Well, I would have assumed that it did but, as I says, no names, no clubs were mentioned.

Q. And did the Inspector consider whether you should follow this up at all or did you do anything to follow it up?

A. Well, as I say, I wasn't contacted. If somebody had contacted me later then it would have been followed up.

Q. Did you inquire from Inspector Wood where he got this information from?

A. No, because that is confidential information from an informant.

Q. Then ---

THE COMMISSIONER: Q. Well, it is hardly confidential information from an informant, Witness, is it?

A. Well, sir ---

Q. --- if someone came to Inspector Wood and said "If Sgt. Anderson is willing he can get a thousand dollars a week"; that is not informing on anybody?

A. No. I mean, my lord, that the person who advised Inspector Wood was one of his informants. Usually we do not like to give out informants' names, even to other police

officers.

MR BREWIN: Q. Then I don't know whether this entry concerns this part of the inquiry but on — no, I think I will not go into that. On September 12th, 1959, in your diary for that day there is a reference to again that you were in Commissioner Clark's office re Niagara Falls complaint, and Frank Gardner's allegations. Is that correct?

A. That is what I have here, sir.

Q. Do you recall what the complaint on September 12th, 1959, from Niagara Falls was about?

A. No, I don't, sir, unless it is in connection with the September 11th notation.

Q. September 11th?

A. Yes, where there was a raid made in the City of Niagara Falls and the door was damaged.

Q. That was not this particular club, the Ramsay Club?

A. No, this was bookmaking, sir.

Q. Well then, there is an entry on October 10th, 1959. That apparently relates to a call from an informer about a Niagara raid. The telephone call was received at 1 P.M. and the warrant had been signed at approximately 12.45 P.M.?

[illegible]

Q. Then I don't know anything

this great concern. Did you go on the inquiry

now or -- no, I think I will not go into that.

On September 12th, 1929, in your query for that

day

[illegible] of a telephone in Jerrie Lee [illegible]

[illegible] in Commissioner Clancy's office in Chicago

[illegible] and Frank Dunlavey's [illegible]

in that connect?

A. That is what I have here.

[illegible]

Q. Do you recall seeing the conversation

of September 12th, 1929, from Frank [illegible]

[illegible] closed?

A. No, I don't. [illegible] unless it is

in connection with the [illegible] AND DUNLAVEY.

Q. September 12th?

A. Yes, Jerry Shay was a real [illegible]

on the [illegible] of Hampton Prelle and the [illegible]

[illegible].

Q. Then was not this particular

claim, the Dunlavey Claim?

A. No, this was [illegible].

[illegible]

Q. Well then, there is an entry

on January [illegible], Jerry, [illegible] [illegible]

[illegible] a call from [illegible] [illegible]

[illegible]. The [illegible] call [illegible] [illegible] [illegible]

and the [illegible] had been [illegible] [illegible]

[illegible]?

A. That is correct.

Q. That is not this particular Club?

A. No; this again was a bookmaking establishment.

Q. And who would sign the warrant at approximately 12.45 P.M.?

A. I couldn't say at this time, sir, without checking.

Q. Does it not seem rather extraordinary that you would get a telephone call from an informer at 1 P.M., a quarter of an hour after the warrant had been signed?

A. Well, that is why I made the notation in my diary; yes, sir.

Q. The raid was conducted at 2.25 apparently?

A. That is correct.

Q. Now, if you will look at your entry of October 22nd, 1959, I don't want you to give us any names about that but it is an entry that says "Soup re alleged leak in Attorney-General's office". Without giving names, can you give us some light on what that might be?

THE COMMISSIONER: Q. Is this your writing?

A. Yes, sir.

THE COMMISSIONER: You want to know what

he means by that "Soup"?

MR BREWIN: Q. I suppose "Soup" is the name of an informer, is it?

A. No; his name is "Soup" Hughes. "Soup" is his nickname and "Hughes" is his last name.

THE COMMISSIONER: Q. "Soup says I am okay; will meet again". What is that?

A. We met earlier, my Lord.

MR MACKINNON: I cannot hear the witness, my lord.

A. We met earlier.

THE COMMISSIONER: Q. Was he getting information for you or what?

A. No, sir. Again it was Inspector Robinson, Toronto Township, and Inspector Wilson, Toronto Township they knew of this Hughes. He alleged that he had been in the Vets Club and would assist us. That is the reason why I went out to meet Hughes with these other two officers.

MR BREWIN: Q. Well, it had something to do with the Vets Club, had it?

A. Yes. He was going to do something for us to try and get the evidence on the place.

Q. Well ---

A. He even went so far as to mention that he might drop a marijuana in the ash-tray and we would find that; if we couldn't get them

Q. Assume for that "Tommy"

Q. Assume Q. I suppose "Tommy"

Q. Had some of an informer, is it?

A. Not that name is "Tommy" anyone.

"Tommy" is his nickname and "Tommy" in his life.

Q. Not conversations: Q. "Tommy says I am angry with well some square". What is right?

A. Yes that correct, is that.

Q. Not conversations: I cannot have who informer, or that.

A. We not conversations.

Q. Not conversations: Q. Now he questions

[illegible] for you or about

A. Mr. Q.C. "Tommy is was Jungleman informer, Gerrard Tommy, and Jungleman Allan. Tommy Tommy that know of this meeting. He alleged that he had been in the Vera Club and would present to. That is the reason why I came out to meet Jungle with Vera after the [illegible].

Q. Mr. Q. I said, is that something to do with the Vera Club, that is?

A. Yes. He was going to do [illegible] thing for us to try and get the weapons on the plane.

Q. Well —

A. He even went to Jax to the [illegible] that he might drop a [illegible] in the [illegible]

for gaming we would get them for one thing or another. Needless to say, I mean we certainly didn't go along with him. I certainly didn't put any credence in what he had to tell me. I don't believe he had ever been in the Club. He couldn't give an accurate description of the inside. He mentioned the fact that he had had a fight, I believe it was, with George Reid, and on that basis alone I doubted that they would ever let him into the place, sir.

Q. Did you take seriously at all what he said about an alleged leak in the Attorney-General's office?

A. With this man, sir, I didn't take any credence or put any credence in what he had to say.

Q. You noted it down in your diary for reference?

A. I noted it, yes. I noted quite a few things in my diary; yes, sir.

Q. Just one or two other notes that I want to check on. Now, July 12th, 1960, you refer to a man named Delmonte re Ramsay Club. "Informed Delmonte, keeper of Club, murdered in California". Was Delmonte one of the keepers of the Club?

A. James Delmonte.

Q. Was he the old or the new club?

A. The old.

Q. This is just something you picked up fro_m the press or what?

A. No, sir; I was informed by the New York State Police.

Q. That this Delmonte had been murdered in California?

A. That's right, sir.

Q. Then a similar note of July 14th, there seemed to be a heavy mortality among former people, people formerly connected with the old Ramsay Club; on July 14th, Script Mitchell disappeared. You have that note there?

A. July 14th; that must be 1959, sir.

Q. I have 1960.

A. No, he went missing in 1959, sir.

Q. Will you look at your entry of July 14th, 1960?

THE COMMISSIONER: What is all this designed to prove, Mr Brewin? We do know that Script Mitchell was associated with this Club and he disappeared and now we are told that somebody else associated with it was murdered out in California. What does all that prove except that they were extinguished?

MR BREWIN: Sir, we are dealing, I thought, now exhaustively with the operations of

the Ramsay Club. I don't know whether this witness will be back again. These are entries in his diary that he may be able to explain or expand on.

THE COMMISSIONER: Well, there are entries in his diary but they don't advance us very much, the fact that some fellow was murdered out in California.

THE WITNESS: Well, he was the look-out at the Club.

MR BREWIN: Q. I don't know whether you know about this or not. Script Mitchell was connected with the old Ramsay club, but did he also, to your knowledge, get a connection with the new Ramsay Club?

A. I was so informed, sir, but I never saw him around there.

Q. And he had apparently given information about the old Ramsay Club to you. Did he ever give any information about the new Ramsay Club to you?

A. No, sir. It was October, 1959, when Script Mitchell went missing.

Q. Again ---

THE COMMISSIONER: Have you much more, Mr Brewin?

MR BREWIN: Not very much. I don't think so but I am a little -- it has been a long day, sir, and I might be able to look at my notes and think of my questions to

ask in the morning; if you think that is the better course, my lord.

THE COMMISSIONER: All right. Yes, we can do that.

MR BREWIN: Thank you, my lord.

THE COMMISSIONER: We will adjourn now until tomorrow morning at ten o'clock.

---Whereupon the Hearing adjourned at 5.05 P.M. until 10.00 A.M., Tuesday, Apr. 17, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

Date

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO

IN THE SUPREME COURT OF ONTARIO

THE SUPREME COURT OF ONTARIO
Supreme Court Reporters
145 Yonge Street
TORONTO

KENNETH H. BROWN and JAMES T. DOW, TRUSTEES, on behalf of themselves and all other shareholders of the Belleggings-Societeit, N.V., and Rage said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Dow,

Plaintiffs,

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Hultjemans,

Defendants.

IN THE SUPREME COURT OF ONTARIO

THE SUPREME COURT OF ONTARIO
Supreme Court Reporters
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KENNETH H. BROWN and JAMES T. DOW, TRUSTEES, on behalf of themselves and all other shareholders of the Belleggings-Societeit, N.V., and Rage said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Dow,

(Plaintiffs)

- and -

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Hultjemans,

Defendants.

Vol. 10

CRIME COMMISSION

IN CAMERA

Vol. 10

APRIL 5th 1960

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Supreme Court Reporters
145 Yonge Street
TORONTO

E R R A T A

Volume 6, Page 1514;

Line 23 - For "Fordham" read "Foran."

Line 24 - For "Foran" read "Oran"

INDEX TO WITNESSES

INDEX TO EXHIBITS

THURSDAY, APRIL 5, 1962

---On resuming at 10:20 a.m.

---Mr. Walton C. Rose, Q.C. represented the witness, J.F.Gardner.

JOHN PHILLIP FRANCIS GARDNER, recalled:

THE COMMISSIONER: Very well.

MR. ROSE: Mr. Commissioner, before the examination of the witness Frank Gardner ----

THE COMMISSIONER: Would you just identify yourself.

MR. ROSE: Yes. For the record I am Mr. Walton C.Rose, Q.C.

Before the examination of this witness continues, I would like to inform this inquiry that on Tuesday evening of this week, as a result of being contacted by Mr. Gardner, I consulted with him at that time in my professional capacity, and I was asked by him at that time to represent him as his counsel at this inquiry. I informed Mr. Gardner that I would be unable to appear yesterday morning, which is, I believe, the first time that he came to give evidence, but that the matter should be pointed out to the Commissioner, that he wished to have counsel; that I would either myself be willing to appear,

[illegible]

[illegible]

[illegible]

or perhaps he could arrange to have other counsel appear, providing he made the necessary and usual arrangements or promises to do so, as between a solicitor and his client.

I understand that Mr. Gardner gave evidence yesterday. I spoke to him this morning. I called him at his hotel. I returned from Ottawa at about one o'clock this morning. At that time he informed me that he had given evidence, and that he had brought this matter toyour attention, sir, but that evidently you saw no reason why he should have counsel and, in addition, instructed him that he was not to discuss his evidence, or the case, I believe, as it was put, with any person including the person he wished to have as his counsel. Naturally, this morning, when he told me this over the telephone, that he must not discuss the case, I refrained from so doing. I said, "Do you still wish to be represented by counsel?", and he said, "Yes". I told him that I would then see him here this morning.

As you know, sir, prior to seeing Mr. Gardner this morning, following that telephone conversation, I had a discussion with you sir, and Mr. Wilson in your chambers and certain matters were discussed at that time. Now following that discussion in your chambers, in the presence of Inspector Hatch of the Ontario

Provincial Police, in the witness waiting room in this room, I had a discussion with Mr. Gardner. I pointed out to him the substance of the discussion that took place in your office, and, as a result of pointing that out to him and what I thought the end result might be, Mr. Gardner stated to me and Mr. Hatch that, despite what I had told him, he wishes to have me as his counsel for the remainder of his evidence, and for any other occasion, I gather, upon which he may be called to testify.

I now ask you sir that I be allowed to represent Mr. Gardner, to do all the things which may from time to time arise during the course of his evidence which I, as counsel, consider in his best interest, to inform him of his rights, whatever they may be, during the course of his testimony; to examine witnesses, including Mr. Gardner, if I deem it necessary and advisable; to cross-examine if I deem it necessary and advisable, any witness that he instructs me so to do, whose evidence might well be against his best interest; and to do all those things that counsel will usually do.

My respectful submission to you, sir, is that under the provisions of the Bill of Rights, and under the cases dealing with a hearing under the Public Inquiries Act, Mr. Gardner as a witness is entitled to have counsel present

to advise him and to do those things that I suggest. I submit, under the cases under the Public Inquiries Act, that that is not only right and proper, it is quite meet, and that is the position that I find myself in.

I would therefore ask that you, sir, as the Commissioner, allow me to do those things which I have requested and also to appear as his counsel.

MR. WILSON: Mr. Commissioner, before you make any ruling in regard to Mr. Rose's request, I want to point out through ~~to~~ you that if Mr. Rose has any witness, or knows of any witness who has any facts which are relevant to the scope of this inquiry, if he has those witnesses come to me, and if I consider that the evidence is in any way relevant to the terms of reference, those witnesses will be called.

THE COMMISSIONER: So that it may appear on the record, I say now that Mr. Rose did see me in my room, in the presence of Mr. Wilson this morning, and he asked, as he has now asked, that he be permitted to represent the witness Gardner. I asked Mr. Rose what he meant by saying that he wanted to represent him and he said, just as he has said now, that he wanted to be given the opportunity of advising Mr. Gardner as to his rights with respect to any questions that might be put to Mr. Gardner, and,

in particular, he wanted to advise him that he was entitled to the protection of the Canada Evidance Act. Mr. Gardner has already been advised that he has the protection of the Canada Evidence Act. That protection was extended to him before he uttered a word of evidence. It has been brought home to him not once but many times during the course of his evidence, with respect to everything he says or may say in the course of giving his evidence, that he has the protection of the Canada Evidence Act, and, in my opinion, it is not necessary to keep repeating that. It would just delay these proceedings unnecessarily to have him, after each question is put to him, object to answer on the ground that his answer might incriminate him. Ma

He is entitled to have his counsel advise him. You, Mr. Rose, have told me that you have advised him that he is required to answer; that if he is given the protection of the Canada Evidence Act, as he has been given it, and if he speaks an untruth under oath while giving evidence, he is liable to be charged with perjury.

I now ask you, Mr. Rose, what other advice can you think of that this man is entitled to in his capacity as a witness.

MR. ROSE: Well, not having been here

yesterday, Mr. Commissioner, and not having any idea as to what questions he might be asked today, by any of the counsel who are present here, it would be most difficult for me to say what advice he may request of me during the course of his examination. It may well be that from time to time there may be matters of law, having regard to the evidence he has given and the questions he is asked, that he may wish to ask me about. How can I answer.

V2

THE COMMISSIONER: Can you suggest one?

MR. ROSE: Well, I am certainly not a prophet, sir,

THE COMMISSIONER: Can you suggest any possible one.

MR. ROSE: Well now I would say this, sir; as you have told him he is not to tell his own counsel what questions have already been asked of him, or what evidence has been given, I then am placed in an impossible position to even answer your question. I certainly think that he should be entitled, under any law, to discuss with his counsel the evidence he has given and the questions he has been asked, because I do not know how any counsel in this wide world can advise a client without that knowledge.

I might say this also: In what you had to say, you said I appeared before you and said

I wanted to represent him. Now I am not hair-splitting, but I believe what I did say was that he wished me to represent him. I did not come to him and say, "I want to represent you, Mr. Gardner".

THE COMMISSIONER: You said you wanted to represent him because he had requested you to do so.

MR. ROSE: Well, that is perhaps putting it in a little better fashion. But if you ask me what advice he may be asking me for during the course of his evidence, surely that is an impossible question for anybody to answer. The basic principle I submit to you sir, is this, that that is the reason that persons are entitled to have counsel, that if, during the course of an examination, they feel that they want to discuss something with their counsel, he is there and can give him advice, which he considers best under the circumstances. I do not know what matters of law may be brought out as a result of the questioning of Mr. Gardner. I find it absolutely impossible to know.

THE COMMISSIONER: All that Mr. Gardner is asked to do is to tell the truth.

MR. ROSE: Well sir -----

THE COMMISSIONER: He has the protection of the Canada Evidence Act, and I cannot conceive of any situation developing whereby he would have

to pause and consult you as to what his answer ought or ought not to be.

MR. ROSE: Well, may I say just this to you: I do not know - - and of course your knowledge of the law, I admit this, and I think we all know it, and your experience in the law, is greater and vaster than my insignificant experience. However, I do not know and have not heard of any modern inquiries where any person who wished to be represented by counsel was refused that right.

THE COMMISSIONER: I will permit you to stay in this room and listen to everything that transpires.

MR. ROSE: Would you - - - -

THE COMMISSIONER: But I will not permit you to examine this witness.

MR. ROSE: Would you permit my client, if he feels during the course of his examination or at any recess thereof, or during the examination, would you permit him then to ask me for my advice as his counsel in respect to any question of law that may arise.

THE COMMISSIONER: Any question of law that may arise?

MR. ROSE: Yes sir.

THE COMMISSIONER: We had better cross that bridge when we come to it, Mr. Rose. You will be in this courtroom and you will hear what goes on.

Just while we are on it, I have been advised by counsel to the Commission that you yourself are under subpoena, or will be.

MR. ROSE: I am, and that subpoena was served upon me after my conversation with you sir, and with Mr. Wilson, and it seemed to be a rather hurry-up job, because it was typed while I was there.

MR. WILSON: Mr. Commissioner, it was not a hurry-up job in the sense that Mr. Rose suggests. I gave instructions that he was to be subpoenaed some days ago.

MR. ROSE: Of course practically everybody in the city is going to end up being subpoenaed, it seems.

THE COMMISSIONER: Is there anything else Mr. Rose?

MR. ROSE: May I ask you this, sir: Will you allow me at this time to consult with my client in respect to the evidence that he has given, if he so desires, if he wishes to indicate that, so that I may be familiar with the purpose of the questions that are being asked today.

THE COMMISSIONER: Do you want these proceedings halted while you talk to this witness about the evidence that he gave yesterday?

MR. ROSE: Sir, I could have spoken

to this witness before these proceedings commenced today if a ruling had not been made to this witness that he was not to discuss it with me.

THE COMMISSIONER: Is that what you want done now?

MR. ROSE: Yes sir.

THE COMMISSIONER: I refuse it.

MR. ROSE: Will you allow me, if I see fit, and I am so instructed by my client, to ask him questions at the conclusion of his examination, in an effort to help this Commission to help my client and to clear up any matters which would seem not to have been properly brought out.

THE COMMISSIONER: I do not think I will need your assistance. So far as helping the Commission is concerned, we have three counsel here. All we want from this witness is the truth, and I suppose, Mr. Rose, if he asks you again, you would tell him that it is his duty to speak the truth.

MR. ROSE: There is no doubt about that, sir.

THE COMMISSIONER: And if at any time during these proceedings he wanted to repeat his request to you for advice in that connection, you would again say, "Your obligation is to speak the truth".

MR. ROSE: Will you allow my client, sir,

- - while you will not adjourn these proceedings right now, sir, will you allow my client to discuss with me the evidence he has already given?

THE COMMISSIONER: When?

MR. ROSE: Perhaps at a recess or at noon. You have already ruled you will not allow him to do it now.

THE COMMISSIONER: Why do you want to discuss it with him?

MR. ROSE: If he so desires.

THE COMMISSIONER: Why would he want to discuss with you the evidence he has already given, if it is the truth.

MR. ROSE: Well I think every client at some stage, in my experience, discusses with his counsel the evidence he has given in a proceeding.

THE COMMISSIONER: Now, have you anything else.

MR. ROSE: Will you, sir, allow me, if I see fit and am so advised, to examine him at the end of the other examinations?

THE COMMISSIONER: We will cross that bridge when we come to it. Now is there anything else?

MR. ROSE: Will you sir, allow me to call a witness or witnesses if I am so advised and instructed?

THE COMMISSIONER: If you have any witnesses

Q - While you will not admitted these proceedings right now, sir, will you allow my client to leave with no the evidence he has already given?

THE CHAIRMAN: [illegible]

Mr. Hoss: Because of a reason or 24 hours. You have already ruled you will not allow him to go to go now.

THE CHAIRMAN: Why do you want to discuss it with him?

Mr. Hoss: I'd be no discuss.

THE CHAIRMAN: Why would he want to [illegible] only you the evidence he has already given. It is in the record.

Mr. Hoss: Well I think even claim in a due course, in my experience, discussed with his counsel the evidence he has given in a proceeding.

THE CHAIRMAN: Now, have you anything else.

Mr. Hoss: Will you, sir, allow me, if I see fit and as to advised, to examine him at the end of the other examinations?

THE CHAIRMAN: We will cross that bridge when we come to it. Now is there anything else?

Mr. Hoss: Will you sir, allow me to call a witness or witnesses if I am to obtain and [illegible]?

THE CHAIRMAN: If you have any witnesses

who have any evidence that you think is relevant to the scope or the matters into which I have been asked to inquire, you may give the names of those witnesses to Mr. Wilson or to me, and I will see that they are called .

MR. ROSE: Thank you very much. That is quite satisfactory.

THE COMMISSIONER: Is there anything else?

MR. ROSE: That is all I can think of at the moment.

THE COMMISSIONER: All right. Let us get on with the day's business.

THE WITNESS: Could I have some water, sir.

MR. MacKINNON: Mr. Commissioner, I think it should also be made clear for the record that at the time that Mr. Rose made his request, this witness was, and is still under cross-examination by myself.

THE COMMISSIONER: That is right.

BY MR. MacKINNON:

Q. Now, witness, yesterday you told us, according to the transcript, in answer to a question from Mr. Wilson - - and this appears at page 1850, line 16 - - and you repeated this on more than one occasion, "Well, I don't think I was a little mentally disturbed; I think I was

like I said before, non compos mentis." Now I wonder if you would explain to me what you mean by "non compos mentis" as opposed to "Mentally disturbed"?

A. Before I answer I would like to ask for the protection of the Canadian Evidence Act.

MR. MacKINNON: You have been given that.

THE COMMISSIONER: You have been given that so often, it is getting nauseating having to repeat it.

A. Thank you sir. When I said that I was non compos mentis I didn't think I was in the full control of my mind.

MR. MacKINNON: But you were not mentally disturbed?

A. I was mentally disturbed if I was non compos mentis, I was mentally disturbed.

Q. So your answer was not correct yesterday when you said that you were not mentally disturbed, but you were non compos mentis?

A. Well, both questions answer themselves. Non compos mentis means mentally disturbed.

Q. Did you ever have any medical treatment for this mental disturbance you now tell us about?

A. I have been treated for nerves. Yes, I have had medical treatment for nerves.

Q. From whom?

A. From various doctors.

Q. Is nerves non compos mentis?

A. Well, I think it is a by-product of that, because when you have a nervous case, you do not know what is the matter with you. I didn't know what was wrong with me.

Q. What doctor? Please tell me that?

A. Well, when I was in Mimico the doctor there treated me for nerves and prescribed some pills . When I was - - this is all on the record and could be checked. When I was in the Essex County Jail I had laudanum there for my nerves, and I have had dozens of prescriptions over the years for sedatives for my nerves.

Q. But how about in 1959, long after you had got out of jail?

A. This is when I was in bad shape. I was in real bad shape in 1959.

Q. What doctor was treating you for a mental condition? Tell me.

A. I did not say a doctor was treating me for a mental condition. I said I went to get advice, or however you would phrase it. Doctor Asseltine in Windsor gave me prescriptions for sedatives for my nerves.

Q. He gave you sedatives, but were you ever treated by a psychiatrist?

A. No sir, I never was.

Q. Were you ever in a mental institution?

A. No, but I should have been.

Q. That is your diagnosis?

A. Yes sir.

Q. But no doctor ever told you that?

A. No sir.

Q. Now you have been doing some book-making since you came out of jail, have you not?

A. I have never booked a bet since I was released from Mimico in 1958 - never.

Q. You went down to Florida this year, did you not?

A. I certainly did.

Q. Did you fly down?

A. Yes I did.

Q. And flew back?

A. Yes I did.

Q. You are living pretty high, are you not?

A. No, I am not. I was living very low; I was scraping the bottom of the barrel.

Q. Well, that is scraping a pretty good barrel, would not you say?

A. Well, it all depends on the point of view.

Q. How long did you spend in Florida?

A. About three days.

Q. Who paid your way down there?

A. I paid my own way down.

Q. Where did you get the money from?

A. Borrowed it from my wife.

MR. Mac_KIRNON: Mr. Commissioner, if I might interject at this stage, I think with respect that this man's wife should be called as a witness, and should be called soon, if I may so suggest.

(Page 1979 follows)

B/WJR/1

Q. You would take your wife with you?

A. No, sir.

Q. How much did you borrow from her for this little trip?

A. About one hundred some odd dollars or approximately $200.

Q. Could it have been approximately $300?

A. No, sir, it couldn't.

Q. And that is the only money you had?

A. Yes, sir.

Q. How much did your flight ticket cost you?

A. $71, approximately.

Q. Did you go down by yourself?

A. Yes, I did.

Q. Did you meet any one down there?

A. Pardon?

Q. Did you meet any one down there, any one you knew?

A. No, sir.

Q. You met no one at all?

A. I met a man down there who I described last night, Mr. Pierce.

Q. Mr. Pierce?

A. That's the only man I knew.

Q. It is?

A. Yes, sir.

Q. Where did you meet Mr. Pierce before this?

A. I had never met him before.

Q. Where did you stay in Florida?

A. Where did I stay in Florida?

Q. Yes.

A. I stayed at the -- just a minute now -- the Paramount Hotel.

Q. And whereabouts is that?

A. On Flagner Street, Miami, Florida.

Q. And it was three days that you stayed there?

A. Three or four, or two days, even, I am not sure of the length of time; but it was less than a week.

Q. That is a pretty high class hotel?

A. No, it isn't, sir. It's a very mediocre hotel.

Q. How much did you pay for your room?

A. $8.

Q. A single room?

A. Yes.

Q. Just going down for the season?

A. No, sir, I wasn't. I was going to the dog track to try and make some money.

Q. You must have taken some money?

A. I told you I did. You don't need much money to bet $2 at a dog track.

THE COMMISSIONER: Q. Is that what you bet?

A. No, sir, I was betting more. I got lucky after the first night.

MR. MacKINNON: Q. Did you bring some money back with you?

A. No, I didn't.

Q. You couldn't get too lucky, then?

A. No, sir; I did the first day I was there, I made some money.

Q. Did you spend it anywhere else but the dog track?

A. I went to the horse races. I gambled there, sir.

THE COMMISSIONER: What track, witness?

A. I think Hialeah was running at that time.

Q. Is that where you went?

A. Yes, sir, that would be it.

Q. Was it?

A. That was it, yes, sir.

MR. MacKINNON: Q. Where was the dog track?

A. I think the dog track was running at Hollywood, Florida.

Q. Well, you know, don't you?

A. No, I'm not sure. There's a lot of dog tracks. I think at that season of the year --

Q. You are not talking about somebody else, you are talking about yourself.

A. I understand that.

Q. Where did you go?

A. To the best of my knowledge it was to Hollywood Dog Track in Hollywood, Florida.

THE COMMISSIONER: Q. Don't you know?

A. There's so many around there.

Q. Did you go to different ones?

A. No, sir, there's only one going, and I am fairly certain it was the Hollywood Dog Track; but there's several around there and I'm not sure which one was running at that time; but I would go on record as saying it was the Hollywood track.

MR. MacKINNON: Q. Does your wife give you regular maintenance?

A. She gives me whatever money she can scrape up.

Q. How much do the children give her?

A. Everything she can borrow from them and take from them.

Q. How much is that?

A. I have no idea.

Q. How many children at home?

A. Three children at home.

Q. How many of them are working? How many of them at home are working?

A. One.

Q. So your wife is supporting you and two children on what the other children give her, is that correct?

A. That's right, sir, and baby-sitting; she baby-sits and my daughter babysits.

Q. You don't baby-sit?

A. On occasion, sir, I have.

THE COMMISSIONER: Q. For a fee?

A. No, sir, just to be available.

MR. MacKINNON: Q. You heard Mr. Rose

say about making the necessary arrangements with you, which is understandable, for a retainer. How did you or how were you going to pay Mr. Rose?

A. I haven't the vaguest idea, but I know I will have to pay him some time.

Q. You promised him that?

A. Yes, sir.

Q. How much is the amount?

A. I haven't set any terms. I haven't had the opportunity to set terms with him.

Q. You sat down with him the other night?

A. I certainly did.

Q. And retained him?

A. I certainly did.

Q. This would be an important consideration?

A. The amount of terms at that time had not been arose.

Q. There was no estimate of the fee?

A. No, because I thought I was going to see him the following day when I appeared here; until he informed me that he couldn't show up.

THE COMMISSIONER: Q. Let us get it on the record. What day did you arrive in Toronto?

A. On Sunday.

Q. On Sunday, that is April the 1st?

A. April the 1st, yes, sir.

Q. Have you been here every day since then?

A. Yes, I have, sir.

Q. You did not attempt to get any lawyer until when?

A. I didn't attempt to get a lawyer until Tuesday.

Q. Tuesday night?

A. I believe that is right.

Q. Well, you know?

A. Well, I'm trying to straighten my mind out. I think that, sir, is correct, Tuesday afternoon or Tuesday evening I got in touch with Mr. Dave Humphrey to ask him to have Mr. Wally Rose contact me because I had been informed at 5.00 o'clock in the evening that I was going to be called in a secret hearing. At an open hearing I thought I could call counsel. Naturally I was perturbed and wished to be represented by counsel under those circumstances.

MR. MacKINNON: Q. Now, coming back to another lawyer, I presume you first met Mr. Rose when you met Mr. Herman, is that correct? Mr. Rose was then with Mr. Herman?

A. I couldn't really say, but I think that's right.

Q. Yes?

A. I'm not sure on that point. There was several people in the firm at that time.

Q. Yes?

A. There was a string of names and I'm not quite sure.

Q. Herman, Moses & Moses?

A. I believe that's it, sir.

Q. Then you advised Mr. Wilson that the reason you first retained Mr. Herman, and these are your own words from the transcript, page 1799:

"I thought that maybe somebody closer "to the seat of the Provincial "Administration would be better to "have than to have a local lawyer, and "furthermore I didn't have too much "faith in the local lawyers."

A. That's right.

Q. What did you mean by that?

A. In regards to charters, in case I wanted -- there was any trouble with charters, wherever the charters are held, where the archives of the charters are, I thought it would be better to have a man closer to the scene of the charters; somebody who knew the charter business.

Q. Don't all lawyers use the same mails?

A. They might, but I didn't think that the Windsor lawyers had too much knowledge of charters; and maybe with somebody in Toronto was closer. There are more chartered clubs in Toronto.

Q. Who told you Mr. Herman has a special knowledge of chartered clubs?

A. Nobody ever told me.

Q. Nobody told you? I thought that was your reason?

A. I thought he was a man who would have more or slightly more knowledge than the type of talent that I could hire in Windsor.

Q. What would make you think of Mr. Herman at all?

A. I don't know, sir. I don't know why you think of a lawyer and people are walking into lawyers' offices every day.

Q. This was for a very special job?

A. It wasn't for a very special job, it was a charter for a club.

Q. A social club?

A. Yes, sir.

B/3 Q. And you said you thought Mr. Herman would know more about that than a local lawyer?

A. What I had in mind was that he might be the man to handle my problem.

Q. Why?

A. No specific reason.

Q. You just picked him out of two thousand lawyers in Toronto?

A. It could have been, sir.

Q. Do you expect us to believe that?

A. I don't expect you to believe anything; all I am trying to do is to tell the truth.

THE COMMISSIONER: Q. Who suggested him?

A. I don't know, Mr. Commissioner, who suggested him.

Q. Had you ever heard of him before?

A. I had heard his name as a member of Parliament. I read his name that he was on the council of Christians and Jews, and I read other things about him. There was no specific reason why I should pick him any more than I should pick this gentleman. It was just I thought a man here who knew about the charter problems, or I thought would know more in Toronto, was the man for me.

MR. MacKINNON: Q. And this is the best answer you can give us? You wanted a Toronto lawyer and you wanted some one familiar with social charters so you went tic-tac-toe and picked out Mr. Herman?

A. Toronto lawyers are known throughout the length of Canada for ability, and there's people in from out of town and far and near who come to obtain the talents of Toronto lawyers. They are somewhat like -- they are somewhat on the same calibre of Philadelphia lawyers.

Q. Why didn't you go to Mr. Robinette?

A. I might have come to you. There was no reason.

Q. I doubt it very much.

A. I don't doubt it a bit, sir. I might have come to you under this situation.

Q. Were you told anything about Mr. Herman's political status?

A. I never told -- no, I was never told.

Q. Do not answer the question before it is asked.

A. No.

Q. That is, being close to the seat of the Provincial Administration just meant you wanted some one geographically close?

A. That's right.

Q. And not the mails at all?

A. There was no bars to mails in my mind.

Q. Why was this closeness to political administration in your mind?

A. If you went after a charter search you have a man here to search it. Where, if I hired a Windsor lawyer, I would have to pay his expenses to come to Toronto and all the fees that go with it. Every time you look for a charter you have to search the charter.

Q. What are you searching for?

A. What am I searching for?

Q. Yes.

A. When we got our first charter -- could I digress? When we got our first charter we didn't know the exact contents of the charter.

Q. Were you applying for the charter?

A. No, sir.

Q. What charter are you talking about now?

A. The Border Cities Press Club.

Q. You bought that?

A. We never bought any charter from anybody.

Q. What are you talking about, then?

A. We wanted to see that the charter was in good order.

THE COMMISSIONER: Q. What charter?

A. What charter?

Q. How did you know there was any such charter?

A. Because that was in operation before and was in operation in Windsor.

MR. MacKINNON: Q. Didn't you use a Windsor firm in that connection?

A. I believe we did, sir.

Q. Please explain to me then why Mr. Herman was necessary?

A. I don't believe -- I don't know whether I even knew Mr. Herman's firm at that time. We were talking about why I contacted Mr. Herman in regard to charters, I believe was the question you put to me, or why I had contacted Mr. Herman for legal advice.

Q. For social charters is how you described it originally, and your answer is because he was nearer the seat of the Provincial Administration?

A. Not to the seat; I don't think I said Administration, I might have.

Q. You don't think you said it?

A. All right, then, that is my answer.

Q. Well then, sticking with Mr. Herman and the charters, why did you give up your charter in 1957? You were a unit of the Army, Navy and Air Force Veterans in Canada at that time. Why did you give up that right that you had, apparently, to acquire a provincial charter?

A. I am a little vague about this, but I think the reason was during that period there was some confusion about the entries of the Provincial Police into the quarters of the club, our club, and the idea was that if we used the provincial charter that they would have freer access to the club. Now, I think this is right.

Q. Why were you wanting to give the Provincial Police freer access to the club? You told us yesterday you spent a fortune trying to keep them out?

A. We were trying to keep in business.

Q. You were in business?

A. We weren't in business very long after that.

Q. You were in business before it?

A. Yes, sir.

Q. Why were you giving up this lucrative line that youhad to acquire a provincial charter to give the police easier access to you?

A. I think under the locks and bolts there was some idea we thought of that we could confound the police with the provincial charters that would give us some sort of leeway. There was some idea in our minds we were helping ourselves.

Q. I am sure you had the idea you were helping yourself, but isn't it a fact that you were in the process of losing your unit licence at that time from the headquarters of the Army, Navy and Air Force Veterans of Canada, and isn't that the reason you had to get a provincial charter or really be out of business?

A. No, I believe there was some talk they were going to withdraw the charters at that time, yes.

Q. There is no question about that?

A. There was no question up to to-day or at that time.

Q. At that time you knew you were on shaky ground?

A. No, we didn't know. You said we were sure; we wasn't sure at that time.

THE COMMISSIONER: Q. Well, there was talk?

A. Talk, yes.

Q. Talk of what?

A. That the charters might be withdrawn.

MR. MacKINNON: Q. All right; so this was to make sure that you had a bird in the hand,

namely, a provincial charter?

A. I am going to answer that question by saying we wanted to stay in business.

Q. And this was the way you were going to do it, get the provincial charter and stay in business?

A. I would say that is practically right.

Q. That is right. Now, you discussed, or at least you stated, it was our idea that we get this. Now, who is "our"?

A. Leo and I and the other members, whoever they were at that time, of the committee that was on that charter. I forget who they were. I know Leo and I but I couldn't give you one other name. I forgot. They're all on record.

Q. It was Feeley and McDermott who were giving instructions to Herman on these three charters? There is no doubt about that?

A. There certainly is. I have no knowledge of Feeley and McDermott giving instructions to Herman. For what reason?

Q. You didn't know there was two other charters dealt with at the same time as yours?

A. I certainly did not, I wanted the Army, Navy and Air Force as we were having trouble with the other charter in Windsor. They had trouble. The Star was printing it up every night, thousands of words; but McDermott's and Feeley's connection in regards

to this, I have no knowledge of it whatsoever. If they were fighting, they were fighting for themselves.

Q. So it is pure coincidence that two other clubs which were operated by Feeley and McDermott were issued provincial charters at the same time your club - if I can describe it as such - got this charter? It is pure coincidence?

A. It is pure coincidence.

Q. And you so assert on your oath?

A. Yes, sir.

Q. Who paid Herman?

A. Who paid Herman?

Q. Who paid Herman?

A. I paid Herman.

Q. Did you get a receipt?

A. I get a lot of receipts but they are all destroyed in the fire with the books and records, when they were destroyed.

Q. Oh, you remember that?

A. I brought it back to my mind.

Q. You couldn't remember it for Mr. Wilson?

A. I remember things come back to me as I am questioned.

Q. Would you like another couple of days to think about this? Maybe your memory would be better on a number of other items.

THE COMMISSIONER: Do not suggest that.

THE WITNESS: Just make it easy on yourself.

MR. MacKINNON: Q. I am trying to make it easy on you, witness.

A. You go along with whatever you think is right.

B/3

Q. Where were they burned? You now remember that?

A. No, I don't remember where they were burned.

Q. Was it in your son's garage?

A. It could have been.

Q. What do you mean, it could have been?

A. It could have been.

Q. How do you know they were burned?

A. Because I was told.

Q. By whom?

A. I don't know whether it was my son or daughter-in-law.

Q. And they were deliberately burned, weren't they?

A. No, they weren't, sir. I had trouble with my son and daughter-in-law and he had a fight with her, and I haven't discussed it with him. I haven't talked to him for four years.

Q. Did your wife not participate in this burning episode?

A. No, my wife participated in nothing.

Q. How much did you pay Herman for this job?

A. I haven't the vaguest idea.

Q. Mr. Herman will have it in his books?

A. He probably would. I couldn't tell you what I paid for my supper last night.

Q. Did you pay anybody else for the charter?

A. No, sir.

Q. You made no other payments?

A. No, sir.

Q. You made no other payments to any lawyer?

A. I know the only person I done business with was Lou Herman; whether he had another lawyer working with him or on his staff, I have no knowledge. I done business with Mr. Herman.

Q. You paid no one else?

A. No, sir.

Q. Did you go down to Mr. Herman's office to discuss this procedure of acquiring a new charter?

A. I might have.

THE COMMISSIONER: Q. Well, did you?

A. I don't know. I can't remember whether I made a phone call or a personal visit, sir. I'm not sure.

MR. MacKINNON: Q. Would Feeley and McDermott be in the office, or one of them, when Herman was there?

A. I don't know why any --

Q. Were they there?

A. I don't know; I would say no,

absolutely no, and I have no knowledge of where they would be at any time.

Q. Well, it is true, isn't it, I believe you told us this yesterday, from thaday you started operating the Walker Road premises you were borrowing money from McDermott?

A. Absolutely.

Q. So he got wind of this new club, if he didn't know about it before?

A. Which new club?

Q. Your new club.

A. Yes, sir, he probably did. In the gambling fraternity there is a constant flow of information back and forth.

Q. Yes, you said that before. I was wondering if that would indicate that there was a constant flow of information as to how to get social club charters?

A. I would have no knowledge of that, sir.

Q. What sort of information was going back and forth in the gambling fraternity about charters? I would think this would be a pretty important piece of information.

A. Yes, sir, it was. There was a lot of scuttlebut, who had been arrested, who had what club, so-and-so died, so-and-so went to jail for bookmaking. Just common, ordinary gambling conversation.

Q. And how you got social club charters

wouldn't be part of that?

A. Social clubs, I would say that social clubs -- how to get social club charters?

Q. Yes.

A. I would say no, but I would say social club charters would be talked about. They could be mentioned in conversation that so-and-so had a club and he had a charter and had been arrested and the charter would be suspended. I think all those things would be in general conversation.

Q. Nothing about he got the charter through Lou Herman, he was a good man to get these charters through?

A. No, I wouldn't say that.

Q. You wouldn't say it, but would you say it was not true?

A. I am not responsible for -- weare talking about a constant flow back and frth here. What you are asking me for was about a flow of conversation, the grapevine.

Q. Only what you heard.

A. Yes, sir.

Q. All right.

A. What I heard?

Q. That is right.

A. No, I never heard that he was a good man to get a social club charter or any other club there.

Q. Talking about this running account

you and McDermott were keeping, it obviously mounted up into thousands and thousands of dollars. Are you suggesting that neither you nor McDermott ever kept a record of what you owed him?

A. McDermott might have.

Q. But you never did?

A. I never had any intention of paying it back if I could help it.

THE COMMISSIONER: Q. What?

A. When I took that money I said I had no intention of paying it back.

Q. I thought you told us yesterday you intended to pay it back but never had the money -- which is true?

A. I think both of them are true. I took the money with the idea if I could pay him back I would; but I think when I first took the money I was just out to rob McDermott.

MR. MacKINNON: Q. You told us yesterday it was the honour among gamblers.

A. I told you yesterday I had lost all my honour among gamblers.

Q. And at this time you were still in business?

A. Yes, but I was still in bad shape.

Q. You still didn't seem to get any difficulty in obtaining money?

A. Where, sir?

Q. With reference to McDermott?

A. When was this?

Q. All the way through, before you went to jail?

A. Well, I was in business, yes.

Q. Definitely?

A. Yes.

Q. So you were paying him back then?

A. I was because I had a chance to pay him. I couldn't get any money now, though.

Q. I am talking about when you were in business.

A. All right.

Q. Mr. Wilson asked you about the rate of interest, page 1728. You said:

"A. There was no rate of interest.

"If I had had $5,000 in my pocket and "McDermott had come up and said, 'Lend "me $5,000, Frank', I would lend it "to him. I don't run a loan company."

Q. Did you ever lend $5,000 to him?

A. No, but that was a figure of speech. If I had it I would have given it to him during that period.

Q. Well, what interests me, witness, you have told us this club lost money right from the beginning?

A. That's right.

Q. How did you ever pay him anything back?

A. We would have winning nights ; you

have winning nights. We had a period there where we had thirty-one losing nights. We would win two nights, we would lose four nights; but any time it did show a surplus where we did out up some money, where I could keep in McDermott's good graces, I would try and get it to him.

Q. Did he come down and collect it?

A. No, he didn't, sir.

Q. You would mail it to him?

A. I mailed some, yes, sir.

Q. How about the rest?

A. I might have paid some sums when I come here. If I could come into town and have money, if I had four or five hundred dollars when I came in Toronto and I ran into him on the street I said, "Joe, here's some money I borrowed from you."

Q. You were on good terms with McDermott?

A. No, sir.

Q. Didn't you and your wife go to visit him at his home?

A. Yes, we did, sir. We sure did.

Q. When was this?

A. It must have been five or six years ago. I can't give you the exact time.

Q. Was it before you went to jail?

A. It must have been a year before that, I believe.

Q. This was a social visit, a friendly visit?

A. We were in Toronto -- yes, it could be classed as a friendly visit on the part of my wife and myself.

Q. Yes?

A. Yes, at that time.

Q. Then you also told us yesterday that you had spent a fortune or a lot of money in fixing up all these intricate devices to thwart the police, is that correct?

A. Yes, sir.

Q. That money came from McDermott, didn't it?

A. Of course not.

Q. Where did it come from?

A. It came from the club money. That has to go to the place to keep it open. Any time the money was higher than the club, at the end of the night, you would take what you had to spend and it would be classed as a debit against your bankroll. All thisbusiness was usually written off as a loss.

Q. Did you keep accounts, then?

A. In gambling houses you run your business day by day. You pay your helpers at the end of the night. You never let a bill go past the next morning.

Q. And the rest is profit?

A. If there is any left.

Q. Well, now, talking about Giacalone and his operations, would you get as much as

one or two thousand dollars a night the times he was there?

A. Of course not. That amount of money was not won in that place. How would I get one or two thousand dollars?

Q. You were getting five per cent?

A. No, ten per cent.

Q. Ten percent?

A. Yes, sir.

Q. What did you get?

A. For the place?

Q. What did you get?

A. I have got to qualify this answer. You are asking me and I have to explain it to you.

B/4 If the club would win $800 that night after the expenses were out, which would be a couple of hundred dollars, that would leave 600. I am just quoting these figures, this is what you asked for; how can I remember what moneys were handled there night after night? It is impossible.

Q. What is this business if the club took -- I am asking you what you got?

A. I can't give you a specific amount. I am trying to show a pattern for you so you can follow me.

Q. Would you get as much as $500?

A. Of course not.

Q. What would you get?

A. If the club won, say, $800, and

after the expenses there was five hundred left, I would get ten per cent of the five hundred.

Q. You mean Giacalone was coming over there just for $500?

A. Do you think $500 is hay?

Q. Coming over there on a week-end, or so you were trying to tell us?

A. Yes, sir.

Q. That would be the amount?

A. It didn't have to be.

Q. Would it be higher?

A. Possibly.

Q. How much higher?

A. Not too much higher, sir. It didn't go to the figures that people usually like to imagine.

Q. And if one of your assistants says it would go as high as five, ten, fifteen thousand dollars on a good Friday night, you say that is not true?

A. Yes, sir. You would have to bring him in here and have him say that on oath. I don't know who would have the knowledge on that.

Q. Who do you think would have?

A. I haven't the vaguest idea.

Q. You?

A. I would have the knowledge if it went up to that sum, but it never did.

Q. Would Mr. Finnigan have that knowledge? What was one of his aliases?

A. I don't know.

Q. Was it Tessier?

A. They called him "The Canadian" around the gambling places.

Q. You never heard him called Leo Tessier?

A. No, I didn't, sir.

Q. Who counted the money and who squared off the accounts when Giacalone was there?

A. I would count the money.

Q. Why wouldn't Giacalone would be doing it?

A. Naturally he would be standing there.

Q. And this eight thousand and six thousand which was found in these men's pockets, Giacalone's and his assistant -- the Gorilla you called him -- fourteen thousand odd dollars the night that they were picked up, what was that -- pocket money?

A. No, it wasn't pocket money, it is part of the gambling business. You are running a gambling business and they like to show the players that there is lots of money to be won. Psychologically, if the pile of money is there the shooters try to win part of it.

Q. They would carry $14,000 in when they only took back a profit of $500?

A. And lots of times they would take back less than $14,000.

Q. What do you mean, you are not denying they had that?

A. It's a matter of record.

Q. It certainly is.

A. They would take back less if the house had a losing night.

Q. And if the house had a good night?

A. If the house had a good night their end couldbe a few hundred dollars.

Q. Are you seriously suggesting it would only be a few hundred dollars?

A. And it could be as much as $13 the way that place was. Some nights we had a good night so after we paid the expenses --

Q. That would be good for Giacalone too?

A. For the whole organization, because we wanted to stay in business, to run a gambling house.

Q. Why would you want to run a gambling house when you were losing for years?

A. I don't know. I am wondering why some people want to be lawyers.

Q. Even though you were losing money night after night?

A. That's right, sir.

Q. Would it give you some prestige in the community?

A. I think so, maybe. That was the idea.

Q. And you said you got ten per cent and Finnigan got ten per cent?

A. That's right.

Q. So that left how much for Giacalone?

A. Eighty per cent.

Q. Did he take eighty per cent home?

A. Yes, he would take eighty per cent home, to the best of my knowledge.

Q. Are you suggesting that Feeley or McDermott had no part of either the twenty per cent or eighty per cent?

A. I am not only suggesting, I am stating that as a fact.

Q. You are stating that as a fact?

A. I am stating that as a fact, yes, sir.

Q. Would you be prepared, if the Commissioner suggested it, to take a lie detector test on that?

A. Of course.

Q. This would be voluntary?

A. Of course.

Q. It would be a voluntary move on your part?

A. Absolutely.

Q. You would have no objection to that?

A. Of course not.

Q. Now, you talked about a Joe Frpich, and I notice, witness, that you have a selective memory, if I may say so. You said your head was going around like a mouse on a round table, and I think you said that you had no trouble locating these undercovermen?

A. There might have been a lot of

undercover menthat tried to get in that I couldn't select. Prpich was a very strange case because the man had come there and I knew him when he came there.

Q. And you had no trouble remembering the man who was murdered, and his brother, and you even described the truck?

A. I couldn't describe them but I know it was a milk truck or an egg truck or some beat-up truck.

Q. And even described his facial appearance?

A. He had had a stroke at that time.

Q. Wasn't your mind going around at that time?

A. Yes sir, it was.

Q. Now, how do you explain you can remember these things with such great detail and other important details your mind seems to get vague?

A. If I remember -- In anybody's mind certain points stick out that you can remember. There was thousands of things said here yesterday that I know I forgot and I will never remember again. Whether there were other points that were brought out that were very clear to me --

Q. Let us go back to Joe Prpich again. Why did you want a picture of him?

A. Who was this?

Q. Why did you want a picture of Joe

Frpich?

A. I didn't want a picture of him.

Q. You had a picture taken of him?

A. This was an act of providence that just happened.

Q. You ordered the picture to be taken?

A. I certainly did, sir.

Q. Why?

A. For no reason. Leo Finnigan's son had a small Brownie camera.

Q. We heard all that. I am asking you the reason?

A. I am telling you.

Q. Just because you wanted to have a picture of him?

A. I didn't think when he stepped into the kitchen, I didn't think he had a picture of him.

Q. What did you do with the picture?

A. I put it in -- I had it enlarged because I thought the man was an undercover man.

Q. Who were you going to show the picture to?

A. To the staff in the place there; the outside man; everybody connected with the place.

Q. Why would you need that at that stage? You had already excluded him, hadn't you?

A. No, we hadn't excluded him at that stage. We were still trying to see what he was up to.

Q. Are you suggesting that picture wasn't shown to any police?

A. Shown to the police?

Q. You heard me.

A. Not to my knowledge, sir, not any picture I ever took was ever shown to any police officer.

Q. The picture that was taken, we were advised it was shown to a police officer.

A. No, sir.

Q. At no time?

A. No, sir.

Q. And you are so swearing?

A. I am so swearing.

Q. Can you give me the name of Leo Finnigan's son?

A. The one is Leo.

Q. The one who took the picture.

A. Leo was the oldest one.

THE COMMISSIONER: Q. The one who took the picture, what was his name?

A. I know both their names, but one of them escapes me; Victor.

Q. Victor took the picture?

A. Yes, sir.

Q. And where does he live?

A. I don't know, sir.

Q. Does he live in Windsor?

A. No, sir.

Q. So you told me in the one answer that

first of all you had no reason for taking the picture, and then secondly you take it to show the outside staff?

A. After I had taken the picture, yes.

Q. So that was your reason for taking the picture?

A. Not at that time, sir.

Q. Did it turn out to be quite helpful, the picture having been taken?

A. Anything for the protection of the club would be helpful.

Q. We might be a little at odds in our definitions of protection?

A. Yes, sir.

THE COMMISSIONER: How do you spell that name Frpieh?

MR. MacKINNON: F-r-p-i-e-h.

Q. Now, you swore yesterday that Feeley was a very hard man to get money out of?

A. Yes, sir.

Q. Is that right?

A. Right.

B/5 Q. And you stated the only thing you ever got out of him were these two billiard table covers?

A. I believe that's the extent of it.

Q. That is not true, is it?

A. Yes, it is.

Q. Didn't he help pay your legal fees in 1957?

A. No, Sir.

Q. Well, let us turn to your evidence, page 1764, just in your evidence yesterday. You contradicted this late yesterday afternoon; let me read you this at line 17:

"Q. Who paid for those lawyers?"

THE COMMISSIONER: What page?

MR. MacKINNON: Page 1764, sir, line 17.

THE COMMISSIONER: Thank you.

MR. MacKINNON: Question:

"Who paid for those lawyers?

"A. Well, I borrowed money to pay

"part of them?

"Q. From whom?

"A. I borrowed some from Feeley

"and some from McDermott.

"Q. Some from McDermott?

"A. Yes."

THE WITNESS: I don't remember saying that.

THE COMMISSIONER: Q. Well, you did say it. You said it under oath.

A. If I did say it, I don't know. I can't remember.

Q. Can't remember what?

A. About borrowing any money from Feeley.

MR. MacKINNON: Q. Well, you said so yesterday.

A. Well, I might have said so butI can't remember. I was under quite a bit of pressure. I probably meant McDermott, I don't

know.

Q. You said McDermott as well. That was the man I borrowed the money from, or:

"I borrowed some from Feeley and some

"from McDermott."

There is no confusion there.

A. There was in my mind. I was confused because I never borrowed any money from Feeley, to any extent.

Q. What does "to any extent" mean?

A. Well, small money, what I owed him for the billiard cloths; there was money, but I didn't count that as too much; it was some one hundred odd dollars, I think it was. I don't believe that was an awful lot of money; but my idea of Feeley was he was a good tough guy to get money from.

Q. So you say this was not a correct statement of fact made under oath?

A. If I mentioned it there it must have been inadvertently. There must have been some question asked previous to that with Feeley and McDermott, and I was so mixed up --

Q. I am afraid it can't be explained that easily. I see no reference to Feeley and McDermott in the previous two pages. You are being asked about your lawyers and who acted for you.

A. Yes, sir.

Q. And then you were asked how did

you pay them, and this was your answer.

A. If it was done, I done it advertently and I have no explanation for it.

Q. Just while we are on that, how were these lawyers paid, by you or Feeley and McDermott?

A. By me.

Q. You handed the money over directly to them?

A. Yes, sir.

Q. Or did Feeley and McDermott do that?

A. No, I paid them.

Q. How much did you pay them?

A. I haven't the vaguest idea.

THE COMMISSIONER: Q. Who did you pay?

A. I paid Herman.

MR. MacKINNON: Q. You paid Herman?

A. Paid Herman for some work he did for me.

Q. Not some work at this criminal trial when you went to jail which is what we are talking about. That is when you said you borrowed money from Feeley and McDermott.

A. Who did I pay?

Q. Who did you pay -- that is the Commissioner's question?

A. I think I paid Herman and I think that McDermott might have paid -- when I borrowed money, I asked him for money to pay a couple of Windsor lawyers, and I think while I was locked up he paid them for me.

(Page 2015 follows)

Q. Now, it is a little different, isn't it?

A. I am trying to get my mind straightened out, sir.

Q. Please do.

A. Yes.

Q. So you did not send any money yourself to these lawyers?

A. Not while I was locked up, I don't think I did. No, I didn't.

Q. With relation to this criminal charge?

Q. I was in jail at that time.

THE COMMISSIONER: Does that matter?

MR. MacKINNON: That does not prevent people from paying money.

A. No. What happened was I had to arrange for money, and I asked Joe to lend me the moneyto pay the attorneys, and I think that he paid it to him. Now, whether he paid it to him personally or it was paid through some other attorney, or whether the money was paid through some other party, I don't know. I never had my hand on the money at all.

Q. And you didn't pay it?

A. I couldn't - I was locked up.

Q. You didn't pay it?

A. It was my money.

Q. You never saw that money, did you?

A. No, but I borrowed it. You handle a lot of money that you don't see.

Q. You didn't see themoney?

A. Well - - -

Q. Just answer yes or no.

A. I had already made a deal -- -

THE COMMISSIONER: You didn't see the money.

A. I didn't see the money, no.

MR. MacKINNON: And at that trial, McDermott came down for it, didn't he?

A. Yes, I believe he was there.

Q. He was sitting in the court-room?

A. Because I needed funds.

Q. Why was he in the court-room? What was his great interest?

A. He seems to have been in a lot of court-rooms, listening to trials. I don't know why he would be in the Court-room. I haven't the vaguest idea.

Q. Just because he was such a warm friend of yours?

A. Not that he was a warm friend of mine; he had a monetary interest in me - certainly I owed him a ton of money.

Q. He had a monetary interest in this club, didn't he?

A. No, sir, not by any way, shape or form.

Q. Did you have any discussion with McDermott when he was down there for your trial?

A. I might have.

Q. What did you discuss?

A. I couldn't tell you.

Q. You have no recollection?

A. I wouldn't have the vaguest idea.

Q. Did he promise that he would get you out?

A. Of course not.

Q. Did he promise that he would get you out?

A. I said "of course not". I have already answered you with "of course not."

Q. Yes, I heard, but you had no discussion as to when you would get out if you were sentenced?

A. Not one thing. In fact he told me it was the best thing that ever happened to me that I got a year in jail. It was part of my antagonism to him.

Q. Why?

A. He said it was the best thing that could happen to me if they took me to Mimico and put me in the machine.

Q. You would think he would want you out working?

A. How could he want me out? Was he the judge.

Q. You owed him so much money?

A. Yes, naturally.

Q. You are worth more to him out than in?

A. I don't know, sir. I may have cost him more money being out.

Q. Then he not only attends your trial and pays your lawyers - - -

A. Could I have some water, please?

Q. - but then he turns around and apparently pays off the mortgage on your house?

A. Yes.

Q. And he pays regular payments, did he not, to your wife?

A. Yes.

Q. Now, she can tell us this, can't she?

A. Yes, she can. I know he sent Bertha some money. He probably saw that she got $60. or $75. a week during that time. Now I am not sure.

Q. Wasn't it $500. a month?

A. No - no, it wasn't.

Q. How do you know it wasn't?

A. Well, I don't know.

Q. Why do you say "no"?

A. Because she would have told me if it had been $500.

Q. What did she tell you?

A. I am trying to tell you. I think

she said $50. or $75. a week. I am not sure.

Q. And was it paid by cheque or by cash?

A. I never discussed that with her.

Q. And why was he looking after your family in this fashion?

A. Because I screamed and raved so much and roared and yelled, and I was so nuts, that if he might have - - -

Q. What difference would that make to him? He wanted you away, you said?

A. Yes.

Q. He couldn't care less - you should have been put in the machine?

A. Yes, that is what he said.

Q. Why should it bother him if you should rave and scream?

A. Who can tell what was going on in the man's mind, or his mental machinations? I have no way of telling or knowing what his mental processes during this time.

Q. Do you know if he supported other families? Did he make a practice of this?

A. He might have.

Q. He supported Finnigan's family?

A. He helped Leo.

Q. What interest did he have in Leo?

A. I couldn't tell you.

Q. Are you seriously telling us this

under oath?

A. Of course I am.

Q. This is purely coincidental that he supports your family and Finnigan's family?

A. I wouldn't say it was coincidental.

Q. Completely inexplicable, then?

A. It wasn't completely inexplicable.

Q. What is the explanation?

THE COMMISSIONER: Explain it?

A. I will explain it. I was in to the man for so much money. I had done so much screaming and yelling and cursing and swearing, that might have been it, and I am speaking for myself now. His reasons for giving Leo ~~A~~ money, I haven't got the vaguest idea.

MR. MacKINNON: You owed him so much money. Why was he interested in increasing the debt?

A. He figured out I would come out some day and be lucky and pay him back.

Q. So he would like you to come out?

A. No, I didn't say that. I repeated a statement that he had made, that it was a good thing that I got a year and that they should take me to Kingston and put me in the machine.

Q. Did you tell us yesterday that McDermott had not given Leo Finnigan's family money?

A. I didn't say that, sir.

Q. You didn't?

A. No, sir, not to my knowledge.

Q. But now, in any event, you are telling us that he did?

A. He could have. I never saw McDermott give Leo any money, and I don't have any knowledge of it. He might have. He might have.

THE COMMISSIONER: Just a little earlier this morning you said he did.

A. Well, he might have.

Q. No, no, no.

MR. MacKINNON: Answer the question.

A. Then he probably did.

THE COMMISSIONER: Well, did he?

A. I guess he did, sir.

MR. Mac KINNON: Now, why would he give Leo's family money? You said Leo was a very bad credit risk, didn't you?

A. Well, we both were.

Q. That was not your explanation of yourself, but it was certainly of Leo. You said he was a terrible credit ~~mi~~ risk, that no-one would give him anything?

A. I said the same thing about myself.

Q. Never mind yourself. Let us stick with Leo.

A. Yes, all right.

Q. If that is so, and your statement is correct that Leo was a very bad credit risk and he couldn't raise money anywhere, why was

McDermott supplying his family with money and paying his legal expenses?

A. I wouldn 't have the slightest idea.

Q. It is just one of the miracles that happen in modern life, is it?

A. Yes, that is right.

Q. Now, with regard to the raids on this club, - and I will be coming back to how you were sprung a little later on, Mr. Gardner.

A. All right.

Q. But before we come to that, you stated yesterday that nobody gave you the "off" in regards to any raid, and I noticed you emphasised the "you". Can you tell me this, was anybody in your club given the tip-off about raids?

A. Never, and never to my knowledge in any way, shape or form.

Q. And your men - your lookouts - if any of these people said that they knew up to three hours ahead of time when a raid was coming, they would not be telling the truth?

A. Absolutely.

Q. Either you would not be telling the truth or they would not?

A. They would not be telling the truth, yes, sir.

Q. Yes.

A. Yes

Q. You never were prepared for any one of these raids?

A. Every night. Every night that we were open, I was prepared for a raid.

Q. But you never had any forewarning? You never told the patrons that it was going to come ? You never cleared up the tables ahead of time?

A. Just for the normal procedure. We never had any knowledge of any forescoming raid at any time during the operation of the club.

Q. So before this buzzer sounded from your outworks? Up to that time you had made no preparations and disposed of nothing?

A. Every night I made preparations.

Q. What preparations?

A. Every night.

Q. What preparations?

A. Well, let me explain. You are a little ahead of yourself. I would go there and when I would open the club at night time, I would take the outside men and I would search all through the club, in every nook and cranny. Now you asked me a question and I am going to answer you.

THE COMMISSIONER: You are.

THE WITNESS: I would search the place, and I would getthe men together and I would say,

"Look, we've got a good chance of being knocked off tonight. I saw a Provincial Police car on the way up and they are watching the club," and the method behind my madness was to have everybody up on their toes, because people who work in a gambling house think that all they have got to do is to be paid at the end of the night, and I was living in such danger, and the club was in such jeopardy at all times, that I was continuously up on the tip of my toes.

MR. MacKINNON: Apart from being on the tip of your toes, what I am talking about is, was there any disposal of the incriminating evidence prior to you being actually advised by your own lookouts that the police were there?

A. Any disposal?

Q. Yes.

A. I have got to get this straight. Some nights I would feel dubious, and I would say, "We had better not take too many chances, and we will eliminate a lot of stuff". Other nights I would wait until the hammers came on the door. Every night I was twisting and turning like a fox or a runaway. I was always fighting to stay open. I was always twisting and turning.

MR. MacKINNON: I am suggesting you are doing a certain amount of that here.

A. Sir, that is your opinion, and you are entitled tayour own opinion.

Q. Just let me read what you said yesterday at page 1751, at line 15:

" - - - I did have an idea that something was going on, that some information "was being dispersed somewhere along the "line, and I was perturbed about it "and wondered what to do about it, "and wondered what wasgoing on. "

A. Yes.

Q. "I didn't participate in it. "I had been told things, that things "werehappening and on the face of it "it looked so ridiculous; sometimes "I believed it, sometimes I didn't."

A. That is right.

Q. Please tell us about what things you believed?

A. Sometimes I was wondering how certain clubs were run with an open door. I would hear stories around Toronto of certain clubs running with an open door, and here we were down there, behind barricades, fighting for our life.

Q. And what clubs were those?

A. I don't know. Just general clubs, I couldn't name one of them. Just conversation.

Q. You can't tell me what you believed

then - the information that you were given about tip-offs?

A. I didn't mention tip-offs, I don't believe.

Q. You said that some information was being dispersed. Now, what did you mean by that?

A. I dont know. Maybe in regards to the operation of clubs or one thing and another. I don't know.

THE COMMISSIONER: What did you mean yesterday?

MR. MacKINNON: What about yesterday's words?

A. I thought there might be something wrong somewhere along the line, but there was no basis of fact or thought behind it.

Q. You said you had been told things were happening?

A. Like I said, on that "scuttlebuck". You hear all kinds of silly talk and remarks. You can meet a man on the street, and he says he has got something going for him, but you wouldn't remember the man's name but you would remember that such and such people had something going for him.

Q. You said you believed them?

A. Sometimes I did.

Q. And what were these things that you

believed sometimes? It is your statement.

A. All right. Certain clubs were running with open doors. I believe that answers that. I wondered what was going on. Sometimes I would believe that if a club was running with an open door, they would have a little help.

Q. Help from whom?

A. I wouldn't have the vaguest idea. That is what I told you, and if you read the statement again, you will see what I said.

Q. You have no idea who the help might come from?

A. I was always searching. I was wondering who was - any time that they hammered down our doors in the club and came storming in, I was wondering about what was going on.

Q. I am going to turn to something else in this connection that you said. Didn't you talk to a Windsor reporter about these matters of club protection?

A. No, sir.

Q. From the Windsor Daily Star?

A. No.

Q. You say you didn't?

A. No sir, I didn't.

THE COMMISSIONER: Take your hand from your mouth.

A. Yes, sir - I am sorry.

MR. MacKINNON: Do you know a John Lindblad?

A. I know that he is a Windsor columnist. I know that he is a Windsor columnist.

Q. And you say on your oath that you have never spoken to him about these matters?

A. I have never spoken to him about these matters.

Q. About the club?

A. He came and questioned me about the club. He came and asked me a lot of questions for the Star. He came to me as a reporter.

Q. Are you swearing on your oath that you did not tell him that the club paid $5,000 a month protection?

A. Of course not.

THE COMMISSIONER: You pledge your oath on that?

A. Yes, sir, absolutely.

Q. And you know what you are liable to under oath?

A. Yes.

Q. That you can be charged with perjury?

A. I certainly do, sir.

MR. MacKINNON: I will move on from that.

THE COMMISSIONER: Excuse me a moment.

Q. Did you ever tell him that there was money being paid for the protection of the club?

A. I never told John Lindblad anything about protection in any way, because he was questioning me in his capacity as a reporter and I was being publicised in the Star every night, and I was very upset about it and I would be antagonistic instead of being helpful to him, sir.

MR. MacKINNON: You never mentioned the word "protection" to him?

A. He might have mentioned - - -

Q. No, did you - - -

THE COMMISSIONER: Did you mention the word "protection" to him?

A. No, sir.

MR. MacKINNON: Did you mention "protection" to him?

A. No, not to my knowledge. He might have mentioned it to me, but I never remember mentioning it to him.

Q. Then you deny that you did?

A. Yes, I never did. I have no knowledge of it.

Q. And do you also deny that you ever spoke to Sergeant Hatch about your political connections and interests?

A. Yes, I do.

Q. You have never mentioned that to Sergeant Hatch?

A. Just a minute now.

Q. You understand that question?

A. Yes, but you are going a little fast sir. "On numerous occasions", you said.

Q. I never said "numerous."

A. You said "on many occasions," then.

Q. On any occasion?

THE COMMISSIONER: How do you want to put it?

A. My talks with Hatch were so very vague, and I certainly never mentioned - they were so few with Hatch that I never mentioned anything to him about political connections in any way, shape or form, and on that I take an oath.

MR. MacKINNON: That is where I want to have you - on oath.

A. Now you have got me there.

Q. I think maybe I have.

A. Yes, sir.

Q. Did you ever tell him that you could get him transferred anywhere you chose?

A. Never in my life.

Q. Did you ever tell him that you had a police friend who had a lodge in Algonquin Park?

A. Never. I have never had a - - -

Q. Did you ever tell him?

A. Never. I have never mentioned it.

Q. Do you know Inspector Stringer?

A. I met Inspector Stringer here. I never met him before. I never set eyes on him in my life. I smoked a cigarette out in the hallway with him. That is the first time I ever saw the man or knew he existed.

Q. How did you know he was Inspector Stringer?

A. Because somebody in the hall called him "Inspector Stringer". Somebody walked by and called him "Inspector Stringer".

Q. You were never talking to him?

A. Yes.

Q. When were you talking to him?

A. We were both waiting around - we have been here two days - and we were stood in the doorway and he was telling me something about - I was talking about Florida, how I would like to live there and he had been there, and just a general conversation, sir. I never saw or heard of him or knew he existed before.

Q. You have never spoken to him?

A. Never in my life, previous to this time.

Q. Do you know whether Mr. Finnigan knew him?

A. No, I don't believe he did.

Q. His name was never mentioned, you say?

Q. Did Lucretia Coffin Price?

I never met him before. I never met again on this in my life. I remind a clergyman one in the morning with him. That is the first time I ever met the man or heard his sermon.

Q. How did you know he was Lucretia Coffin Price?

A. Because somebody in the hall called the "Lucretia Coffin Hodgson". Someone called by the name "Lucretia Coffin Hodgson".

Q. Did you ever talking to him?

A. No.

Q. When were you talking to him?

A. We were both waiting around - we have been here two days - and he were asked to the doctor and he was talking to something about - I was talking about Kingsley, how I would like to have there and he had been there, and just a general conversation, sir.

I never saw or heard of him or knew he existed before.

Q. You have never spoken to him?

A. Never in my life, previous to this time.

Q. Do you know Kingsley?

A. No, I don't believe in him.

Q. The name was Lucretia Hodgson?

Yes, sir.

A. No, sir, I have no knowledge of Stringer whatsoever.

THE COMMISSIONER: We will have a ten minute recess.

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D/FJMcG/1

---On resuming after recess:

MR. MacKINNON: Q. I was talking to you just before the adjournment, witness, about conversations you had with the Windsor Daily Star reporter, John Lundblat.

THE COMMISSIONER: How do you spell that?

MR. MacKINNON: I believe it is L-u-n-d-b-l-a-t.

THE WITNESS: I believe it is L-i- . On his newspaper it is "L-i-m-d-b-l-a-d."

THE COMMISSIONER: And his name is John, is it?

MR. MacKINNON: John.

Q. Now, in these conversations you had with Lindblad, did you tell him that McDermott had an interest in the Roseland Club?

A. Never, sir.

Q. And you are quite clear and unequivocal about that answer?

A. Yes, sir.

Q. Did you ever tell him that you had or wanted to get in touch with Mr. Caldwell, the former Member of Parliament?

A. I never heard that name.

Q. You never mentioned Mr. Caldwell's name?

A. No, sir, I don't know that name.

Q. You never mentioned that name to anyone?

A. I said you I don't know the name so

I couldn't have mentioned it.

Q. Just answer the question.

A. No, never.

Q. To any one?

A. I have no knowledge of Caldwell.

Q. Did you mention it to any one?

A. Not to any one, sir.

Q. And you did not suggest to this reporter that you wanted to trade information for protection?

A. Never.

Q. At no time?

A. At no time. I don't know what protection he could give me.

Q. As far as Inspector Hatch is concerned, did you ever have a long talk with him?

A. I never had a long talk with him, no, sir, never.

Q. Lasting a couple of hours?

A. I might have had a talk that lasted three-quarters of an hour.

Q. When was this?

A. I believe the only talk I had, which would be classed as a talk of any description, would be in the Prince Edward Hotel, and that probably would have been in 1957, but I am not sure. I don't think my knowledge of Hatch goes back previous to 1957.

THE COMMISSIONER: Q. In what hotel?

A. In the Prince Edward Hotel.

Q. That is in Windsor?

A. Yes, sir.

MR. MacKINNON: Q. Before you were convicted?

A. Before I was convicted? Before I was arrested, I believe.

THE COMMISSIONER: Q. Or was it after?

A. I never had any conversation -- Hatch -- while I was in the County Jail Sergeant Hatch came out there with a Corporal and he took me out of the cells to talk to him and I refused to talk to him and asked the guard to put me back in the cells.

MR. MacKINNON: Q. I am asking about this Prince Edward Hotel?

A. You didn't state that, sir.

Q. You told us that.

A. Yes. I am the one who brought it up. You didn't state which one you were referring to, though.

Q. I am asking you about that one now.

A. All right.

Q. What did you discuss?

A. I haven't the vaguest idea. I couldn't tell you.

Q. Were you discussing church services or something like that?

A. No, sir.

Q. Were you discussing gambling?

A. I believe at that time I was trying

to gauge Sergeant Hatch. He was a Sergeant at that time.

THE COMMISSIONER: Q. You were trying to what?

A. Trying to gauge him, sir.

Q. What doyou meanby that, trying to gauge him?

A. I was trying to get an understanding of him, trying to gauge what type of man he was.

Q. Why?

A. For my own interest in running the club. I was up against a police officer. He seemed to be affable and willing to talk and I took the opportunity to talk to him.

Q. Did you make an appointment to talk to him?

A. I believe I did , sir. It was in the evening around 7.00 or 8.00 o'clock. I believe I did, but that is vague, too. It is quite a while ago. I am not quite sure of the circumstances.

Q. You were trying to gauge him?

A. Yes, sir.

Q. To see what kind of man he was?

A. Yes, sir.

Q. What doyou mean?

A. I just explained. I think it is self-explanatory. I just wanted to see what type of person he was. He was in charge ---

Q. What difference did that make to you?

A. Well, he was in charge of the -- we were running an illegal ---

Q. I know he was in charge down there and did a good job, but I wanted to know why you were so interested?

A. I was running an illegal enterprise in his bailiwick and I wanted to see what type of man I was up against.

MR. MacLEMON: Q. Did he know you were running an illegal enterprise? Was that part of your talk?

A. I don't remember, sir.

Q. Did you tell him on this occasion about your political influence?

A. No, sir. I had no political influence. I never mentioned political influence because I had none.

Q. Did you suggest to him that you had friends who had political influence?

A. No, sir, not to my knowledge.

Q. What does "not to my knowledge" mean?

A. I cannot remember my exact conversation. I cannot remember what I said to him that night.

Q. Could you have said that?

A. I don't think so.

Q. Is it possible?

A. No, sir, I don't think there would be any reason I would say it. I don't think I

said it. I cannot go any further than that. I don't remember what I said that night.

Q. You might have talked about political influence?

A. I don't think so. I cannot go any further than that, sir. I cannot explain it any different than that.

Q. Well, when you were sentenced in January of 1958 did you tell Sergeant Hatch, as he then was, "You think you are smart but what you have done will cost you plenty"?

A. I never said that in my life to Sergeant Hatch.

Q. You are taking your oath on that?

A. I am.

Q. To Sergeant Hatch?

A. Sergeant Hatch or Inspector Hatch now. I never uttered a word like that. The only thing that I ---

Q. Just leave it on the record that you never said that to him?

A. I never said that to him.

Q. Do you know where Lloyd Johnston is?

A. No, I don't, sir.

Q. Do you believe him to be dead?

A. No, I don't have any reason to believe that or I don't think he would be dead.

Q. He left his car in ---

THE COMMISSIONER: Q. Why?

A. Why should he be dead unless he died

of some natural causes. A person could be alive or dead. I have no knowledge of the man whatsoever, sir.

MR. MacKINNON: Q. Could he have died from some unnatural cause, possibly?

A. Not to my knowledge.

Q. He left his car and clothes behind, didn't he?

A. He left his car, I believe, with his mother. His clothes I have no knowledge of.

Q. He left very suddenly, didn't he?

A. I have no knowledge of that. He left the club ---

Q. He was working for you, was he not?

A. He left the club very suddenly.

Q. And took money?

A. He took money from the club and I never --

Q. And disappeared?

A. That's right. I never saw the man since.

Q. What is your explanation for this sudden flight?

A. I have no explanation. I had no control over him. He absconded with the money and that was all there was to it.

Q. You didn't lay any charges with the police?

A. No, sir, I did not.

THE COMMISSIONER: Q. He absconded with the

money?

A. Well, he drew the club's money out of the bank and took it away.

Q. How much?

A. Sir, I don't know how much was in the bank.

Q. Roughly?

A. I couldn't even tell you roughly.

MR. MacKINNON: Q. You told us yesterday it could have been at least $5,000?

A. I said that part of it was his own money and I tried to explain that, that he used that bank for his own private banking purposes.

Q. Well, that is quite all right, but are you suggesting he was using the bank account for his own private banking?

A. Yes sir.

Q. Mingling his money in with the club's?

A. Yes sir.

Q. You do?

A. Now, this money in the bank was used to pay bills with; it wasn't for gambling purposes.

Q. You knew Police Constable Wright, didn't you?

A. The only way ----

Q. You knew Police Constable Wright?

A. No, I didn't know Police Constable Wright. The only way I might have known Wright, I wouldn't know him if he come in on a raid with a squad, I never at any time during the raids on our place, the only person I ever spoke to were the officers in charge of the raid. I never spoke a word to any of the young men, never addressed them by even "Hello".

Q. You say you never spoke to him either personally, face to face, or ----

A. If Wright was sitting here now I wouldn't know him, sir.

Q. You never spoke to him on the phone?

A. No, not to my knowledge.

Q. I suggest to you the reason that wasso, was because you were just a servant of McDermott's and Wright would be speaking to McDermott, not to you, when he was giving the "off"?

A. You are trying to bring out a point there that don't make sense to me. Him being a servant of McDermott, why would that affect me?

Q. You were a servant of McDermott's, a flunky, I am saying?

A. I certainly wasn't a flunky, a servant. I was a debtor to McDermott.

Q. Now, did you tell us yesterday that

you did not get any calls from Peeley?

A. I might have said, I might or might not, I cannot remember, I might have, I don't know, during the course of the years I received thousands of calls. I can't remember.

Q. Well, in the spring of ----

THE COMMISSIONER: Q. Just a moment. Is your memory pretty good as to last night?

A. Did I get any calls last night, you mean?

Q. I say, is your memory good as to the calls you got last night?

A. I didn't get any calls last night.

Q. No calls at all?

A. The phone rang once and I didn't pick the phone up.

Q. Are you sure of that?

A. I am absolutely positive.

Q. You are swearing to that?

A. I am.

Q. Anybody in the room with you?

A. Never. Not at any time. I went to my room alone. The phone rang four times and I wouldn't pick up the receiver, because I was afraid I might say something to somebody or somebody would say something wrong.

D/2 Q. Well, if a telephone operator from the hotel comes here and swears that you did ----

A. Well, she would have to come here, sir. I never spoke to a soul. I never used my telephone. I never picked the receiver up. I asked the girl at nine o'clock at night to leave a quarter to nine call for me. That was the only time that I spoke on the phone. I just picked up the receiv_er. I said, "I want to leave a quarter to nine call".

Q. You didn't speak to anybody?

A. Not a living soul.

Q. Including Mr. Rose?

A. I never spoke to Mr. Rose last night. Oh, that was this morning, sir.

Q. This morning?

A. That was this morning, sir. I spoke to Mr. Rose this morning.

Q. Allright.

A. Now that happened, I left a quarter to nine call - - if I had known that Rose was on the phone I wouldn't have lifted the receiver up because the only time the phone rang last night was four times. I didn't lift it up. I told the girl to call me at quarter to nine. The phone rang about twenty minutes after eight this morning. I was asleep. I automatically picked up the receiver, thinking it was my phone call.

Q. Was it?

A. No, it was Mr. Rose.

Q. Now, what is Mr. Rose's first name?

A. They have stated it here as Walton C. Rose.

Q. Well, you called him "Wally"?

A. Wally Rose, yes sir.

Q. Who is the "Bob" that called you last night?

A. No "Bob" called me, sir.

Q. Are you swearing to that?

A. That I spoke to. Somebody might have called on the telephone.

Q. Oh, no.

A. That I spoke to?

Q. Yes?

A. I never spoke to a soul in my hotel last night. I never opened my mouth to anybody.

Q. I am putting this to you: Did you get a call in which the voice said, "This is Bob Gailing"?

A. No sir.

Q. You deny that on oath?

A. Yes sir. I never answered my phone last night.

Q. No; I am talking about anytime at the hotel?

A. Oh, I might have said - - I think I got a call one time and somebody said, "This is Bob".

Q. When was that?

A. That might have been two nights ago. The night before last I didn't answer my telephone either. I wouldn't answer the phone. But the night befofe that I believe I got a call, sir.

Q. I am talking about last night?

A. Nobody called me last night.

Q. Now, I don't want to get you confused?

A. No sir.

Q. At any time between the hour you arrived back at the hotel last night and the time you left this morning, didyou get a telephone call saying, "This is Bob"?

A. No sir. The only call I got was "This is Wally Rose". That was the only call I received.

Q. And that is on your oath?

A. That is on my solemn oath, sir. I answered the phone once. I answered the phone twice, I am sorry. Once when Mr. Rose called me and once when the young lady called me to wake me up, in answer to the call I had previously placed.

MR. MacKINNON: Did Mr. Rose identify himself as "Bob"?

A. No sir.

Q. So it wasn't Mr. Rose, in any event?

A. Pardon me?

A. If somebody spake to you?

A. I never spoke to a living soul. I never answered the telephone from last night, from last night until eight-twenty this morning when Mr. Rose called and when he called I thought it was the operator waking me up.

Q. You said that you might have talked to a "Bob" ~~xxx~~ two nights ago?

A. I might have.

Q. What "Bob" would that be?

A. There was somebody called the room and I don't know now whether it was Bob. I cannot even say that.

Q. Bob who?

A. I don't know who it was. Somebody called the room and said, mentioned something about somebody being there, and I didn't know who the person was, and I didn't have nothing - I didn't do nothing - - I never left the hotel for three nights. I never went any place outside of going to eat.

Q. That is not my question and you realize it.

A. I am trying to explain it to you as well as I can. Whoever called my room, when Mr. Rose called, to go back to this morning, he identified himself. If anybody called and said, "Bob", now that - - even that name "Bob"

does not ring a bell with me.

Q. But you think somebody may have called you a couple of nights ago and said, "This is Bob"?

A. Bob or something. Or "Benny" or something. I don't know what it was.

Q. You cannot tell the difference between "Bob" and "Benny"?

A. I don't know who it was. I don't know what the conversation - - there was no conversation.

THE COMMISSIONER: Well, specifically, about twenty minutes after eight this morning, did you get a telephone call from someone who said "This is Bob"?

A. No; I got a call from somebody who said "This is Wally Rose".

Q. You swear on your oath that you did not get a call from somebody who said, "This is Bob"?

A. I solemnly swear that I never got any call except the one I got from Mr. Rose this morning and the young lady who called me at quarter to nine to awaken me.

Q. Allright. No one said on the phone to you, "This is Bob calling"?

A. "This is Wally Rose".

Q. No; no one said to you on the phone this morning, "This is Bob calling"?

A. No, sir. I looked at my watch at that time. I grabbed my watch to see what time it was when the girl rang. I knew it was twenty minutes after eight and I wondered why she had called me then. This was going through my mind.

Q. All right. You got a call the night before that from "Bob", did you?

A. The night before, no sir. No "Bob" ever called me. I got a call from somebody on Monday night, I believe, but, sir, it wasn't "Bob". It wasn't "Bob".

Q. You thought earlier it might have been?

A. It could have been. I am going back in my mind. The calls to my room have been very few. I have made no outgoing calls. If anybody called me, if somebody called me Monday night, I am not - - sir, I am not sure; I am not sure who called me. I have no way of knowing. A call might have come in. He might have said, "Benny" or "Bob", or "Billy", something, I don't know. I don't know who it was. I didn't hold no conversation.

Q. What is the name of your friend from Windsor that called?

A. Tony, sir.

Q. What is his last name?

A. Chiaderi. It wasn't him.

MR. MacKINNON: Q. Do you know a Bob Wright?

A. A Bob Wright?

Q. Yes.

A. No, I don't. A Bob Wright. Not off hand.

Q. Otherwise known as Robert J.Wright?

A. No. Not offhand, no sir.

Q. Did you know Sergeant Cronin when he was with the police?

A. No, sir, I didn't. Now, I must qualify this again; I might have - - when Cronin - - back in the early days Cronin might have raided the club and I might have seen him then, but I don't know Cronin.

Q. You never have had any conversations about raids with him?

A.No sir.

Q. Do you know Deputy Commissioner Bartlett?

A. No, sir. Just what I read in the papers.

Q. You have never spoken to him?

A. Never in my life.

Q. Either on the phone or any other way?

A. Not in any way, shape or form.

Q. His name has never been mentioned to you by any of your gambling friends?

A. Never in any way, shape or form, sir.

Q. You mentioned yesterday a Joseph Tatro?

A. Burley Tatro. I have to eliminate him; that man is dead. There is nothing I can do about that. I don't say that to be facetious.

Q. You also stated yesterday in a couple of places in the course of your evidence that McDermott was a nasty person and that he could be rough?

A. Yes, he could be rough. He was a nasty talking guy and I ----

Q. Oh, you didn't put it in a talking way?

A. That is what I probably meant, that he was a rough, nasty - - he could be very vitriolic in his conversation. He had a terrific ego complex, a Napoleon complex, you might say. And he used kind of rough tactics in his conversations.

Q. He played rough, didn't he?

A. Not to my knowledge, sir.

Q. Well now, you knew about Seript Mitchell and him disappearing?

A. I read it in the papers.

Q. Do you know when he disappeared?

A. No, I don't.

Q. Were you ever told the same thing would happen to you if you didn't keep your mouth shut?

A. No.

Q. Pardon?

A. No.

Q. Do you know Johnny Papalia?

A. I know John Papaelia very slightly.

Q. He is known as not only the "Enforcer" but as the "Collector" too, isn't he?

A. I have read that in the paper, I believe.

Q. You knew besides reading it in the paper?

A. I didn't, sir. All I know is what I read in the paper.

Q. Well now, you told us yesterday that you were frightened of him?

A. I was frightened for the $500 I owed him.

Q. You were frightened personally, not about the $500.?

A. No; I was frightened that I had to come up with that $500. and I didn't have it.

THE COMMISSIONER: Q. Weren't you frightened of Papalia? You knew he was a pretty rough character?

A. I knew his reputation, sir, in the papers and - - I wasn't afraid of Papaelia, no.

Q. You weren't afraid of him?

A. No.

Q. Not a bit?

A. Not a bit.

MR. MacKINNON: Q. So when you say you were frightened yesterday, that was not true?

A. I was frightened that I had to pay him and I didn't have the $500, and I was going to have a beef about the money, and I was ashamed to face him.

THE COMMISSIONER: Q. Being ashamed is one thing but being frightened is another?

A. Well, frightened is to face a man and say, "Here, John, I haven't got the money and I took it on such short notice and made such protestations of good faith about when I was going to pay it back". I was just ashamed to see the guy.

D/3

Q. Oh, I cannot imagine you being ashamed at any time?

A. Well, sir, I ---

Q. You have told us that you had no honour?

A. I said that at one time I got to a very low level, sir.

Q. Yes. All right. Getting money from everybody and not paying them back?

A. That's right.

Q. I cannot think of you being ashamed

but I can think of you being frightened?

A. I wasn't frightened, sir, to the extent of being physically frightened.

Q. Not a bit?

A. No sir.

Q. You are not frightened today?

A. Sir, I am in trepidation and I am in fear. Naturally I am in a dangerous position.

Q. Just a moment. You are in a dangerous position today?

A. Yes.

Q. What do you mean by that?

A. Being here at this sort of thing, I think I am in a dangerous position.

Q. Danger from whom?

A. Not from any outside sources, sir. I wasn't referring to that. I want to go on record for that, that I am not in no fear from any outside source, in any way, shape or form.

Q. What did you mean when you said you were in trepidation?

A. I am in trepidation. I am here; I am being questioned by this Court of inquiry. Naturally it would be normal for a man to be in fear.

Q. Fear of what?

A. I don't know. Just general fear.

Q. You don't have to be afraid as far as this tribunal is concerned if you are telling

the truth.

A. I am telling the truth, sir. I have been under pressure for a day and a half now and been hammered on. It creates a certain amount of fear and trepidation in a person. I don't think I would be a normal person if I didn't show some signs of --- some qualms.

MR. MacKINNON: Q. Not if you are telling the truth?

A. I am telling the truth, sir.

THE COMMISSIONER: Q. I could understand you being nervous ----

A. Well, nervous.

Q. - - - but not being afraid?

A. And the fears that go with being nervous.

MR. MacKINNON: Q. Let me read you what you said yesterday. I believe it was the Commissioner who was questioning you at page 1864:

"A. I was afraid of circumstances "connected with Papalia."

A. Yes, sir.

And the Commissioner said:

"Q. No, never mind circumstances . . . " But just for the moment let's have regard for circumstances - - -

THE COMMISSIONER: Page what?

MR. MacKINNON: 1864, sir.

Q. What were these circumstances

connected with Papalia that you were afraid of?

A. $500.

Q. That was the only circumstance?

A. Yes.

Q. Let's read on then:

"Q. No, never mind circumstances -

"were you running away from him because

"you were kthoroughly frightened?

"And I wantyou to be frank.

"A. Well, I would imagine that I had

"trepidations that I was scared."

A. I have repeated that today. I had trepidations. I was afraid.

Q. You were scared?

A. I was scared to the extent that I couldn't pay him the $500.

Q. Oh, Witness, you have been owing thousands of dollars to people and that didn't frighten you?

A. Yes.

Q. And you say McDermott was always pressuring you. Why would you be frightened of Papalia?

A. I have never done any previous business with Papalia. My connections with Papalia were very, very small, very mediocre, until the day that I took the $500. off him.

Q. Why were you shifting your room to avoid him?

A. Just an evasive action. I didn't have the money to give him.

Q. You didn't have the money to give anybody, and, according to you, you owed a lot more people a lot more money k than you owed Papalia; isn't that right?

A. Sometimes, circumstances change with ----

Q. What circumstances?

A. The circumstances of owing money. You might owe money to one man and he might be very kind about it.

Q. You are quite right.

A. And you might owe money to another man and he could be quite ----

Q. Unkind?

A. Unkind; yes sir.

Q. Just what we are getting at, Witness.

A. A ll right.

Q.Papalia was known as being an unkind sort of person?

A. I see. He was never unkind to me.

Q. Why were you running away from him?

A. I wasn't running. I was evading him.

THE COMMISSIONER: Q. Well, isn't that the same ~~kkx~~ thing?

A. I wouldn't be in Toronto if I was

running away from him. I knew he was here. This was his stamping grounds. I come here.

MR. MacKINNON: Q. You certainly hadn't come to see him though?

A. No, I hadn't.

Q. No. YOu came on other business?

A. Probably.

Q. So you were evading him, to use your words?

A. I was evading him.

Q. For $500?

A. Yes sir.

Q. But you were not frightened of him?

A. No sir.

THE COMMISSIONER: Q. You were not afraid that if you told him you didn't have the money tha t he might beat you up?

A. No sir. I don't think that John Papelia would have laid a hand on me. I think that he would have dressed me down beeause I had taken the money on principle. I had taken the money on word of hon_our that I would pay itback at a certaintime, which I hadn't done. And he would have dressed me down pretty good, but I don't think John Papelia would have laid a hand on me.

Q. You don't think he would have?

A. No; I am sure he wouldn't.

MR. MacKINNON: Q. Were you in some special position that he wouldn't have laid a hand on you?

A.No sir.

Q. He laid a hand on lots of other people, we have heard?

A. No sir. The only thing that I have heard about Papselia, and 90 per cent I discount because it was in the press, is what I read in the papers.

Q. How do you pronounce his name?

A. Papselia.

Q. That is the correct pronounciation, is it? It is not Papalia?

A. You might be right.

Q. You knew him well enough to pronounce his name correctly?

A. I pronounce it Papselia.

Q. Is that the Italian way of pronouncing it?

A. I don't know, sir. I am not Italian.

Q. Didn't your parents change their name?

A. No sir.

Q. They didn't?

A. No.

THE COMMISSIONER: Q. What nationality are you?

A. Iam an Englishman, sir, born in London, England.

Q. Born in Londp,England?

A. Yes sir.

Q. When did you come to Canada?

A. In 1907.

Q. How old are you now?

A. Sixty years of age, sir.

MR. MacKINNON: Q. Did you ever live in London, Ontario?

A. Yes, I did, sir.

Q. And you say your parents were not Italian?

A. No sir.

Q. You married a girl called "Rosalie", did you not, in 1919 or 1920?

A. That was an Italian girl, sir. That was where the Italian comes in.

Q. Well, that may be your answer.

A. Well, all right.

Q. Now, isn't it true that Papalia was collecting for McDermott?

A. Not to my knowledge.

Q. That was never even suggested?

A. Not in any way, shape or form.

Q. So, as far as you are aware, Papalia had no connection with McDermott or Peeley?

A. Not to my knowledge.

Q. It was never stated to you by anybody?

A. Not to my knowledge, sir.

Q. Well, your knowledge is pretty good, isn't it?

A. Well I ----

Q. You know what was told you?

A. I am trying to remember as accurately as I can.

Q. Let's limit it.

A. You are not making it any easier for me, you know.

Q. Well, let's limit it; I will make it as easy as I can for you so we will have you clearly on the record. Did McDermott ever tell you he had any connections with Papalia?

A. Never.

Q. Did Feeley ever tell you he had any connections with Papalia?

A. I never had any connections with Feeley.

THE COMMISSIONER: Just listen to the question.

MR. MacKINNON: Q. Did Papalia ever tell you he had any connections with McDermott and/or Feeley?

A. No sir.

Q. You say you went to Pete Carrado's funeral?

A. Yes sir.

Q. Were you aware that his son was one of those people who had gone on this Moosonee

trip with McDermott?

A. I was aware of that after I had read it in the papers here.

Q. And that was ---

A. In the Toronto papers.

Q. And that was Pete's Carrado's son?

A. I don't know. I am just telling you what I was aware of that you stated, that I read in the paper. I don't know who was on the party. Iwasn't there.

Q. Do you know Pete Carrado's son?

A. I certainly do, sir.

D/4

Q. What was his name?

A. I call him "Dom".

Q. Dom, D-o-m?

A. Yes sir.

Q. Dominic?

A. That could be it. I call him "Dom" that is what I know him as.

Q. That is the son you know. Where did you get to know him?

A. Well, I knew him as a young boy around Detroit, and not too well.

Q. In what connection?

A. Jus_t as a young chap I used to go to a restaurant on Monroe Avenue and Dom would be in there some times and I would know that xhxxxx he was Pete Carrado's son and I would say, "Hello, Dom".

Q. You knew him as the son of his father, in other words?

A. That's right, sir.

Q. Was he in the gambling trade as well?

A. Not to my knowledge.

THE COMMISSIONER: Well, Pete was?

A.He might have been, sir, but I was never connected with him.

Q. No, no; no one has said yet that you were connected with him. My question was: "He was one of the big gamblers in Detroit?"

A. To the best of my knowledge.

MR. MacKINNON: Q. The father was?

A. Was what?

Q. You are talking about Pete?

A. What am I talking about? This gentlemen, the Commissioner asked me a question. I don't know what you are asking me.

THE COMMISSIONER: Q. You understood my question, didn't you?

A. Yes, I did, sir, and I answered it.

Q. What was my question?

A. You asked me if he was connected with the gambling business in Detroit, was he a big man in the gambling business, and I said, sir, to the best of my knowledge, he was.

MR. MacKINNON: Q. Who is he?

THE COMMISSIONER: Q. Who did you think

I was talking about?

A. About Pete Carrado, sir.

MR. MacKINNON: Q. All right. How about the son?

A. I have no knowledge of Dom being in the gambling business at all.

Q. You don't know that he has been picked up and charged from time to time?

A. No, I don't, sir.

Q. And you were operating just across the line in Windsor?

A. Yes sir.

Q. In these years, in the '50's?

A. In the '50's, yes sir.

Q. You knew Giacalone quite well, didn't you?

A. I knew Billy quite well.

Q. He is a member of the Mafia, isn't he?

A. I know nothing about the Mafia. This question is propounded all the time, the Mafia. I don't know it. I know Dagoes that are in the gambling business and I know nothing whatsoever about the Mafia.

Q. It is safer not to, isn't it?

A. I wouldn't have the slightest idea.

Q. And you have talked to Giacalone within the last year?

A. No.

THE COMMISSIONER: Q. What is that?

A. No, sir, I haven't talked to Giacalone within the last - - I haven't talked to Giacalone since 1958.

MR. MacKINNON: Q. When in 1958? After you got out?

A. One day I was in the Fort Wayne Hotel in Detroit and Billy was going by and he said - - with a group of men - - and he said, "Hello, Frank", and I said, "Hello, Billy", and that was all there was to it.

Q. Just to localize it, you are swearing now, that since, let's put it at the end of 1958, you have not spoken to Giacalone either by phone or otherwise?

A. No, I have got to pinpoint that a little bit. Now, the call -- when I saw Billy, it could have been in - - oh, the time I saw him in Fort Wayne Hotel, that was the only time I have ever seen him, I have never called him by phone. I don't know his phone number. I have never called him by phone.

Q. Has he ever called you by phone?

A. He had never called me by phone. The only time that I saw him was in the Fort Wayne Hotel and it was after I had got out of jail. It was about three years ago. I cannot exactly pinpoint the date.

Q. And this was in 1958 sometimes, you

believe?

A. Sir, it was after I got out of jail but I don't know - - I know that I haven't seen Billy in three years or approximately that.

Q. Or talked to him?

A. Or talked to him or contacted him or had any business with him in any way, shape or form.

Q. And he hasn't contacted you through anyone else?

A. No sir.

Q. But your memory is pretty clear on this little meeting, as you have put it, at the hotel?

A. There was no meeting, sir.

Q. Well, he passed you by and said, "Hello"?

A. I was coming in the hotel and he was walking out.

THE COMMISSIONER: Q. What hotel was it?

A. The Fort Wayne Hotel.

MR. MacKINNON: Q. And your mind is quite clear on that?

A. Well, sir, that is to the best of my knowledge. My meeting with Billy was just one time and I am sure that was the time.

Q. I thought you were in a state of mental confusion at this stage?

A. Well, sir, I certainly was.

Q. But you remember this quite clearly?

A. No, I don't remember it. I haven't stated that I remember it clearly.

Q. Well ----

A. I have tried to pinpoint it as close as I can. I never made the statement that I could remember it clearly.

Q. You have given us pretty clear details, let me put it that way?

A. Well, I will do the best I can for you.

Q. Then you also in your evidence talked of going to Belleville?

A. To Belleville?

Q. That's right. You told us about going to Belleville?

A. Yes.

Q. Isn't it a fact that you and Finnegan were attempting at one time to buy the Flying Club there?

A. I never knew there was a Flying Club in Belleville. I haven't the slightest knowledge.

Q. Please answer the question.

A. Of course not. I never knew that Belleville had a Flying Club. I just went into the Legion Convention and I stayed at some hotel there whose name I cannot remember.

Q. Do you know if Finnigan was trying to

buy it?

A. Not to my knowledge.

Q.So any correspondence, lawyers' correspondence, with you or Finnigan, you would know nothing, or not remember anything about it?

A. I wish you would rephrase that, with me or Finnigan?

Q. That's right.

A. I never corresponded with any lawyer at any time re any flying club in Belleville.

Q. You had no discussions with Louis Herman about the purchase of the Belleville Flying Club Charter?

A. No sir.

Q. That is your evidence?

A. That is my evidence.

Q. When were you in Belleville?

A. Gee, I don't remember. It is two or three years ago, four years ago, five years ago, I couldn't tell you.

Q. Prior to getting your Homeland Charter from the Province?

A. Gee, I know that I was there as a delegate for the Army, Navy and Air Force.

Q. Are you a veteran?

A. I certainly am, sir. I might add: "Are you"?

Q. I certainly am. That is an insulting question.

A. Well, you asked me.

Q. I asked you because you said you were there as a delegate.

A. Yes, sir. You asked me if z I was a veteran.

Q. When were you in the Service?

A. I went overseas the first time in 1916. I believe we left in August. I enlisted on February 7th, 1916.

Q. You were fifteen years old then, wereyou?

A. I was less than that, sir. I was about thirteen years old, I think, somewhere approximately around there; thirteen years and four months old, I believe.

Q. What unit were you with?

A. The 135th Battalion. My regimental number was 802925.

Q. Your memory is quite clear on that?

A. I ~~ha~~ never forgot that thing, sir. That was a high point in my life when I joined the Army.

THE COMMISSIONER: Q. Do you know the Lebanese Republican Club in Detroit?

A. No. Sir, I used to go to a Lebanese Club which shot barbut years ago. That is quite a long while ago. But if it was called the Lebanese Republic Club, then I don't know it as such.

Q. You went to ----

A. I went to a Lebanese - - I went to a Syrian coffee house with a club charter.

Q. Out in Highland Park?

A. I never been there.

Q. Where was it?

A. It was on Orleans.

Q. 535 Orleans?

A. Somewhere around there. I couldn't give you the exact number. I think that is very close.

Q. Did you know Roy Calabreese?

A. Roy Calabreese? No, I don't.

Q. You never heard of that name?

A. I have heard of a lot of Calabrases, Calabreeses, but I don't know any Roy Calabreese.

Q. What Calabreeses did you know?

A. I couldn't tell you sir. I call it, "Calabrase" and I knew one in London when I was a kid.

Q. I am talking of Detroit?

A. I ~~kkkk~~ didn't know that chap, sir.

Q. What chap?

A. The man you just mentioned.

Q. What man did I mention?

A. Calabreese.

Q. How did you know the man I was talking about?

A. Because you said "Roy Calabreese" and I don't know any Roy Calabreese.

Q. Did you know Ubald Calabreese?

A. No.

Q. Are you sure of that?

A. I am positive.

Q. Do you know Frank Uvolio?

A. No, that doesn't mean nothing to me.

Q. Do you know Thomas Karamonos?

A. That name is familiar to me to the extent that Tommy Karamonos got a lot of publicity. He disappeared from Greek Town and I know him from the newspapers.

Q. Is that all?

A. That is all.

Q. Did you not know him in association with Giacalone and Calabreese?

A. No sir.

MR. MacKINNON: It is near one o'clock, sir.

THE COMMISSIONER: I hope we are going to finish this afternoon.

MR. MacKINNON: Oh, yes sir.

THE COMMISSIONER: All right, 2:15.

MR. ROSS: We were discussing before the question of my client speaking to me, Mr. Commissioner. I might say that Mr. MacKinnon has said he would oppose or object most vehemently

if I discussed anything with Mr. Gardner during his cross-examination. I think I must agree with Mr. MacKinnon; it would not be proper. It would not even look good perhaps.

Now, I would like to say this to the Court, that I have no intention of saying other than "Hello" and "Good bye" to Mr. Gardner while he is under cross-examination.

THE COMMISSIONER: That is very good.

MR. ROSE: I thought Mr. Gardner should hear me say this.

THE WITNESS: No, I don't wish to talk to him, Mr. Commissioner.

THE COMMISSIONER: All right.

---Whereupon the hearing adjourned at 1:00 o'clock p.m. until 2:15 p.m.

(Page 2085 follows)

---On resuming at 2.20 p.m:

MR MacKINNON: Q. You were telling us, witness, about Giscalone or whoever was running the bank might make $500 on a good night; is that correct?

A That is right.

Q Will you tell me what the colours of the chips were, and what they were worth?

A I think they were -- I am sure they were one, five and twenty-five.

Q Well, explain it a little more elaborately.

A There was dollar chips, five dollar chips and twenty-five dollar chips.

Q How were those differentiated in colour?

A I cannot remember the colours.

Q White, red and blue? Something like that?

A They were all different colours, but I cannot remember what the colours were.

THE COMMISSIONER: Weren't the dollar chips always the same colour and the five dollar chips the same colour and so on?

A Always the same colour.

Q And the twenty-five dollar chips were always the same colour?

A Always the same, yes.

Q What were the colours?

A I cannot remember, sir. I haven't the vaguest idea of the colours now, because I think the chips were vari-coloured. It wasn't like they were solid white, red or blue or that idea,

they were all different. They were made up with different colours I think; I cannot remember. I cannot remember, but there were $1, $5 and $25 chips, I am sure of that.

MR MacKINNON: Q. No higher chips?

A In those places ——

Q In your place I am talking about.

THE COMMISSIONER: Now answer the question.

A I am saying, in our place you could take one of the $25 chips or the $1 chips - but you would take the $25 chips under certain play - and use them as a high limit or a $100 chip, or you could take them as you wished.

Q They could be used as $100 chips?

A Yes, they could be.

Q Could they be used for higher amounts?

A No, I don't think at any time they would ever be used for a higher amount. The only time that they would be used for a $100 chip was if a man had won $400 or $500 in smaller chips and he had started to increase his betting, then he would use one for a higher amount, to make his betting easier, at the discretion of the dealer.

THE COMMISSIONER: In all these operations isn't there a certain uniformity, that the chips of various values are the same colour always?

A Not always, sir.

Q Well, what was it in your establishment?

A The colours?

Q We know what the colours were. What did they represent?

A They were $1, $5 and $25.

Q What was the colour of the one dollar chips?

A It could have been pink.

Q What were the colours of all the chips? Give us that.

A I think there were some brown chips; I think there were some blue chips and I think there were some pink chips.

Q Pink, blue and brown?

A Now I cannot actually say, but I think that is close. I am not sure; I cannot remember now.

Q Well, throughout your whole operations were the one dollar chips always the same colour?

A Yes sir, they were.

Q And were the five dollar chips always the same colour?

A Yes sir.

Q And were the twenty-five dollar chips always the same colour?

A Unless they were ——

Q Unless they were used as hundreds?

A That is right.

Q Now tell me, on your oath, what were the dollar chips? What was the colour?

A I cannot tell you on my oath. I don't remember, but I know it was one dollar, five dollars and twenty-five dollars, but I cannot honestly tell you the colours; I don't remember.

MR. MacKINNON: Q. Did you tell me that there

was a fifty dollar limit?

A There was a fifty dollar limit on our game.

Q What did that mean?

A Well, you couldn't bet more than $50.

Q Why wouldn't that be profitable to the house?

A Well, the average player never bet that kind of money. They bet two, three, ten or twenty dollars -- I mean twenty-five dollars. They could bet $25 on the line; they could take $25 odds behind the line.

Q And when would your game start?

A Well about -- we would open around eight or eight-thirty, and maybe we would put the game on around ten-thirty.

Q And you would go into the wee small hours of the morning?

A Two o'clock; sometimes one-thirty, sometimes twelve-thirty.

Q And sometimes three-thirty?

A Sometimes three-thirty, and I believe on some occasions we went to five o'clock, but they were very rare.

Q There would be a fair amount of money on the table during the course of the evening?

A Well, if there was thirty or forty people and they were betting five and ten dollars, the amount of money would be considerable, I would imagine.

Q. Now Exhibit No. 91 shows some cheques found at your place.

A. Yes sir.

Q. These cheques were for moneys owing as gambling debts, weren't they?

A. I believe they were, I don't know.

Q. Cheques in the amount -- two of them here for $1000 each?

A. That could be possible.

Q. Do you still tell us you would only make $500 on a good night?

A. Yes, because there was winners. Every dollar that passed across the table wasn't a winning dollar. You have men in a crap game bet both ways: you will have people betting with the house and people betting against the house. Some people are wrong-shooters, some people are right-shooters. Or you might have ten people betting that the dice would win, and you might have ten people betting the dice would lose. You can bet both ways, against the house and with the house; you just didn't have to bet against the house, you could bet with it. You could bet the dice would lose or you could bet the dice would win.

Q. Now the nights you received these large cheques -- there is another one for $850 -- would those be winning nights?

A. They could have been losing nights. One man's loss did not designate the amount of money that the house won on any specified night. It

could have been a winning night, it could have been a losing night. A man could come in and lose $400, or, as you say $800, and lose it early and by the time the game was closed you would send out a lot of winners and you could wind up with a losing night.

Q What are the house odds in crap?

A I think the percentage is about 1.7 in favour of the house. It is a very, very small percentage. Now to quote that, I am not ——

Q You have been in the business a long time.

A Well, I still don't say I am an expert, but I think it is 1.7.

Q In any event, the odds favour the house.

A To that small advantage, yes.

Q So overall you could have been making money?

A Not with having right and wrong betters.

Q Do you say that affects the percentage?

A Of course it does. You might open up some night and you would have all wrong betters. They would bet the dice would lose. Then you might open up some night and have six or seven or eight or ten right betters and the same amount or more or wrong betters, and the customers or players would go as the dice fluctuated: if the dice were hot they would bet they were right; if the dice were

cold they would bet they would lose.

Q But in any event, so far as you are concerned this percentage in favour of the house never worked for you?

A It never worked for us - never, never.

Q I have mentioned the lie-detector test to you before, and you have indicated your willingness to take one.

A Yes sir.

Q I take it that your willingness would extend to all these questions?

A To any question you care to ask me.

Q All right, thank you.

A You are welcome.

Q Now coming to your arrest and trial, I understand that there were four lawyers acting for you and Finnigan. I think maybe you have stated this already, but just to get it clear there was Arthur Martin, Dave Humphry, Jimmie Allan and Barney Cohen; is that correct?

A I believe that is correct.

Q I don't think you mentioned Mr Cohen before, but he was there as well?

A Yes, he was.

Q And all these lawyers were paid, I take it?

A Yes sir.

Q But you have already told us they were not paid directly by you?

A That is right.

THE COMMISSIONER: Who did they represent?

A They represented the four defendants. There was an Ernie Ammano ------

Q Who represented him?

A James Allan -- James S. Allan I believe is his correct name.

MR MacKINNON: Q. Who did Arthur Martin represent?

A I don't know whether he represented Leo or Ernie Ammano. If you would name the names of the four defendants it would refresh my memory because I don't remember who the fourth man was right now.

Q Then you also mentioned Mr Herman in this connection. Was his office representing you in connection with this prosecution?

A I don't know whether he was or not. He might have been.

Q Well now, was Mr Rose, who is here, helping you as a solicitor?

A I believe that he came down there at one time, sir. I am not sure whether he was present at the trial or not, I cannot remember.

Q And did he pose as a shirt salesman to Sergeant Hatch?

A Well, I have no knowledge of that.

Q You have been told that?

A I read it in the paper. That was the first indication I had of it. I don't know

whether it was the Windsor "Star" or a Toronto paper where I read it.

Q Do you say it was not done on your instructions if it was done?

A It was not done in my presence at all.

Q On your instructions, I said.

A On my instructions or in my presence. I am clarifying that.

Q Let us take one thing at a time. He was not acting for you if he were doing this; is that your position?

A Sir, I don't know whether ——

THE COMMISSIONER: Answer the question.

MR MacKINNON: Answer the question, witness.

A He was acting for me, but I don't know whether he done this or not. I don't know.

Q Well, was he acting for you if he did it?

A No sir.

Q No ?

A No.

Q I take it you have been advised by Mr Rose that he now acts, so far as this Royal Commission is concerned, for your friends Feeley and McDermott?

A I wasn't told that by Mr Rose. I thought that Dave Humphrys was acting for them.

Q Who told you that?

A I don't know whether I got that from the newspapers or not.

Q It wasn't in the newspapers.

A Then I don't know where I got it from or how I heard it, but I did know that Rose was acting for Feeley and McDermott.

Q Didn't you discuss this with Dave Humphry out in the hall just two days ago?

A Not to my knowledge. I don't remember it if I did. I have been under a little pressure here and I don't know. I cannot recollect what I said.

THE COMMISSIONER: Now witness, I can understand that a man may be a little forgetful of what happened some years ago, but I cannot understand a man of your capacity forgetting what took place within the last three days.

A Sir, when I talked -- I talked to Dave Humphry out there, and I cannot recall a word of what he said. He come in and there were all the witnesses in here and he said: "How are you Frank?" or words to that effect, and a few other things, and then he said: "I have got to jump; I want to go out and kid somebody"- somebody, some lawyer; I don't know because I was sitting here -----

Q To go out and kid somebody?

A To kid somebody; he went out to have a joke with somebody. I don't know what it was about; I never enquired about it. That is all I can recollect of that. I cannot recall what Rose said to me. I don't know what he said to me, and I am absolutely sincere: I cannot remember what he said to me.

Q. To what?

A. To what? Is the management.

Q. Then I don't know where I get it from or how I learned it, but I did have some one calling the Trailer and different.

Q. Didn't you discuss this with Dave Hawley at the last joint meeting?

A. Not to my knowledge. I don't remember it. I have been under a little pressure here and I don't know. I remember everything that I said.

Q. [illegible] Now wait, I can understand that a man may by a little forgetful at that temperature when pressure comes, but I cannot understand a man for just months forgetting that fact.

A. Why, when I talked -- I believed to Dave Hawley and Harry, and I remember really a word of what he said. He came in and talked and I was astonished to have and he said: "Now look you Lowell" or words to that effect, and I then talked to Harry and then he said: "I have got to leave; I want to go out and talk to Lowell." Harry, some Harry. I don't know Harry. I [illegible]

Q. To go out and talk to Lowell?

A. To talk to Lowell; he went out to have a talk with Lowell. I don't know what it was about; I never discussed that. That is all I can remember at that. I cannot recall what Dave said to me. I don't know that he said to me, but I am absolutely sincere. I cannot remember what he said to me.

Q When?

A At any time. I don't know what he said to me. Today at any time he has come close to me I have moved the other way. I don't know what he said.

Q Forget today. That is not what Mr MacKinnon is asking you about.

A Well, I cannot remember what he said.

THE COMMISSIONER: Go on, Mr MacKinnon; pursue that please.

Mr MacKINNON: Q. From whom did you hear that Mr Rose was now acting in connection with this Royal Commission for your friends Feeley and McDermott? You knew that obviously. Now from whom did you hear it?

A I didn't say that I knew it. I did know it obviously --- I didn't know; I thought Dave Humphrys was acting for them.

Q You just answered me about three minutes ago saying Yes you knew, but you were not sure who had told you, and I asked you whether Dave Humphry had told you.

A You are confusing me now.

Q I have got you on the record; that is where I have got you.

A Well, that is all right. The record speaks for itself.

Q It certainly does.

A I don't know what I said in the last ten minutes, and I am getting vaguer by the minute, and I don't know what I am doing.

THE COMMISSIONER: I don't want you to be vague.

A Well sir, I am not feeling too well, and I am a little vague right now.

MR MacKINNON: I think you know what you are doing.

A Well, I tell you that yesterday I thought I was a little collected and I thought that I had my wits about me. Today I am not quite sure. I just don't feel very well.

Q Do you want a chair?

A Well, I would appreciate it, sir.

THE COMMISSIONER: Get the witness a chair.

A Thank you.

——The witness was seated.

MR MacKINNON: Now could it have been Dave Humphry who told you that Mr Rose was acting for Feeley and McDermott in this Commission?

A Sir, I don't know. I don't know. Honestly, on my sacred word I don't know who told me that. I don't know.

THE COMMISSIONER: Well, did somebody tell you?

A I heard it some place, or I read it in the paper some place I got it, I don't know where. I don't know.

MR MacKINNON: Now when you came to Minico with whom did you come?

A I came with the Governor of the Essex County Gaol.

Q Is that a Mr Robinson?

A I believe that is his name. Yes, that is his name, sir.

Q Yes, and according to Mr Robinson your way was paid, and his was paid, by Mr Herman?

A Possibly, sir. I am not sure.

THE COMMISSIONER: Just a moment. You came to Windsor in an automobile, did you?

A No sir, I came by train, due to my physical condition at that time.

MR MacKINNON: Q. Did you have a chair-car seat?

A This is vague again. I don't want to give the wrong answer, but I think we sat in a coach-car. I am not sure.

THE COMMISSIONER: He was accompanied by whom?

MR MacKINNON: Mr J.M. Robinson, I believe.

A I don't know his initials, but it was a Mr Robinson I believe.

THE COMMISSIONER: Is he the Governor of the Gaol?

A Yes, he is the Governor of the Essex County Gaol.

THE COMMISSIONER: Now what is the question about Herman paying for all this?

MR MacKINNON: Now you know that this was being paid for through Mr Herman's office, didn't you?

A Yes sir.

THE COMMISSIONER: Just a moment. Take your time.

MR MacKINNON: Q. And McBernott gave that money to Herman?

A No, I gave the money to Herman afterwards when I paid a bill to him.

Q When?

A Later on, after I was released from gaol I owed Lou Herman some money.

Q Just a moment. You are saying Mr Herman paid this out of his own pocket?

A He done that a couple of times for me.

THE COMMISSIONER: Now listen, witness.

A Yes sir, he must have paid that out of his own pocket, because I got a bill for disbursements for it.

MR MacKINNON: Q. Why would he do that?

A Sir, I don't know.

Q Who got in touch with him?

A Maybe I did; maybe I asked him to. Maybe I had made the arrangements, I cannot remember.

Q And maybe you didn't ?

A I know that it couldn't be anybody else but I.

THE COMMISSIONER: Oh, it could. That is just the point, and you well realise it.

MR MacKINNON: Q. Mr McBernott was looking after y u regularly for four months there, and your family?

A To the best of my knowledge I straightened that out with Herman after I got out of Mimico.

THE CONSTABLE: No, that is not the question. You were in the Essex County Gaol?

A Yes sir.

Q And you came down here on the train accompanied by Robinson, the gaoler?

A Yes, or Robertson.

Q All right, never mind. We know who he was, he was the gaoler or the Governor anyhow, and you were asked if Herman paid for the cost of the transportation, and you said yes.

A Yes sir.

Q Now had you instructed him to pay?

A I must have. I must have instructed him.

Q Where did you give him the instructions?

A It might have been ——

Q No, not where it might have been.

A I couldn't tell you; I haven't the vaguest idea.

Q Have you any recollection of having given him instructions, because Herman will be here in the witness box?

A Right now I have not.

MR MacKINNON: Q. Did Herman come down to the Essex County Gaol to see you? Are you suggesting that?

A I am not sure. I know I think that some attorneys came to see me, and I am not sure who came to see me. At the time I was in the Essex County

Gaol I was removed and placed in Grace Hospital due to my condition. I stayed there for two weeks of the month I was in the Essex County Gaol: two weeks of that I laid in a hospital bed.

Q Did Norman come to see you there?

A I am not sure who came to see me. I had visitors there. I had suffered a collapse and I was in very bad shape.

THE COMMISSIONER: I suppose there was a guard over you all the time?

A Yes, there was.

Q Do you know who he was?

A No, I don't. I think there was three guards there at different times.

MR MacKINNON: Q. And did Mr Robinson tell you that this was a rare privilege that was being accorded you?

A Not to my recollection, sir.

Q Did you consider that you were being specially treated?

A No, I thought that on account of my physical condition that I had got — that it was a very good thing for me, but I had no prior knowledge whether that was procedure or whether they done it for other prisoners, or whether it was just in my case. I have no knowledge of that.

Q And there was never any discussion of that with Mr Robinson?

A No. What happened there, I didn't know I was coming to Mimico until early in the morning.

that I was convinced was going to have breakfast
now in my condition. I helped Dawson into the house
of the month I was in the house nearly half: Dw
means of (Dw) I felt in a beautiful bed.

Q. Did Dawson come to see you there?

A. I am not sure that Dawson is her son. I
had VIOLENT COLDS; I had sufficient I suppose
but I was in very bad health.

Mr. [illegible]: I suppose Dawson had
proved over you all the time?

A. Long before.

Q. Do you know who he was?

A. No, I don't. I might have
seen gentlemen there as attendant there.

Mr. McCLUNG: Q. And did Mr Robinson tell
you that this was a case probably that was being
concealed you?

A. Not to my recollection, sir.

Q. Did you consider that you were
being prematurely confined?

A. No, I thought that as measure of my
physical condition that I had got — that it was a
very good thing for me, but I had no prior knowledge
whether that was premature or whether they done it
for other purposes, or whether it was just in
my mind. I have no knowledge of that.

Q. Did Dawson ever say Dawson
at that time did to you?

A. No. That happened there, I didn't
know I was going to Toronto until early in the morning

They woke me up and told me I was going to go to Mexico. They prepared something to eat, drove me to the train and put me on the train, and I slept part of the way down. We got off at some little station and we got a cab I think. I am not sure about that; I am not sure whether they sent a cab for me. I am not sure whether we took a cab.

Q. You took a taxi, didn't you?

A. I am not sure.

Q. Somebody had to pay for that too.

A. I think I paid for that out of my pocket.

Q. Now that you are in the jail, you advise us that McDermott came out to see you?

A. I never advised you that McDermott came out to see me.

Q. You advised Mr Allison; does that make it better?

A. Well, I don't remember saying that.

Q. Well, did he come out to see you?

A. I was in bed. I don't remember who came out to see me. I think that somebody did, I don't know whether it was Nelly Rose came out to see me or not. I don't know who came out there. I again collapsed and was taken to St. Joseph's Hospital where I spent some more time. I don't know. I have told you in the beginning of these hearings I was a very sick man during that period, and although I have times that I can think back and remember things, there are other times when I cannot even do that. I know during that sick

period I didn't know where I was at. I haven't — I have thought now as I go along and I have come out of it I think that I was out of my mind. I actually think that, because some things are clear and some things are not. Now this case of these chips, if I can digress for a minute. This is a strange thing to me. I can remember the interior of the place, I can remember a lot of things, yet I can't remember — I know we had playing cards on the table, yet the colour of the chips absolutely escapes me. I couldn't in a thousand years remember what the colours of these chips were. If somebody could say they were yellow to me, I would say they were yellow; I don't know.

Q. Now witness, just yesterday you told us under oath that when Mr Mehermott came out to see you you told him to get you out of the bucket if he could.

A. I don't think that I said that Mr Mehermott came out. Now I might have; I am not saying I didn't. I don't remember. I told Mehermott to get me out, but I don't know whether that was in Windsor or where it was. I don't know. Was it at that time, or any time? I don't know the date, place or anything, where I made that statement. I might have said "Help me", and help me would mean money.

Q. Let me read you the question. It is page 1896 and the question at line 24:

"Q. What did you ask him to do?

"A. To get me out of the bucket if he could ..."

A Yes sir. Well, I don't remember Joe McDermott ever coming to Mimico to see me. Whether I said that or not, I am not sure, but I don't ever remember him coming to see me.

Q Did you contact him then, if you prefer that ?

A No sir, I had no way of contacting him. I was a prisoner in Mimico.

Q You had friends, didn't you?

A I had no friends there.

Q There were people coming to see you?

A I never said I had people coming to see me. I never had anybody. I think my wife came to see me twice in St. Joseph's Hospital.

Q How about Wally Rose?

A I said he might have come. Now I think a lawyer came to see me one time, and I am not sure who.

Q Did you ask him to get in touch with Joe McDermott?

A Not to my knowledge I didn't. I have tried to tell you that during that time I was very ill.

Q So this is not the truth when you said this, "to get me out of the bucket if he could"?

A I do not know whether —— I said that to Joe, but the place and circumstances I don't know.

Q You must have been in the bucket to ask him to get you out of it.

THE CONSTABLE: Excuse me. Mr Reporter, will you read the witness's last answer.

THE WITNESS: "I do not know whether --- I said that to Joe, but the place and circumstances I don't know."

THE COMMISSIONER: You have just said that you said that to Joe. Did you say that?

A I did say that sir.

Q Well, we have got that much.

A Yes.

Q There is no question about it?

A No sir. I asked him to get the money.

Q To get you out of the bucket?

A Yes sir.

Q Where was it that you said that?

A I wouldn't say. It could have been any time from the day of the trial when I got sentenced, or on. I don't know when it was. I truthfully don't know when it was that I said that to McDermott.

Q But you have a clear recollection of having said it?

A Yes sir, something along these lines.

Q How was he going to get you out of the bucket?

A By trying to retain a lawyer to help me, or maybe contacting a priest who did help me - Father Joyce - or maybe contacting the social agencies that help a man who is in jail. I had no way of knowing what to do. I didn't know what

to do. I was terribly ill. I didn't know what I was doing, and I don't know what I said or how I said it. I was in an absolute state of mental shock, physical deterioration; I was having continual heart attacks day after day. I was lying on my back in the hospital, in the hospital ward at Kinico and in St. Joseph's Hospital in Toronto, and I don't know what I was doing.

Mr MacKinnon: Q. You apparently have not been warned against flying with your heart, I take it?

A I have asked doctors, and everybody has said that it doesn't affect a cardiac condition such as I have.

Q And drinking doesn't affect your heart?

A Sir, I am not a drinker. I have had three drinks this year; I have had three drinks of "Terry Burk" whisky. I have never drunk in my life; I have never been known to. The things I have done I admit to, but I am not a drinker.

Q Anyway, you told us yesterday that McDermott did help get you out of gaol?

A Did I? If I said that - then if it is there I said it. I am not arguing it.

Q It is the truth, isn't it? He did help you get out of gaol?

A He probably contacted Father Moyer.

Q You know what he did.

A Yes, he contacted Father Moyer.

Q Is that all he did?

A That is what I know, because that is the man that got me out -- she asked for clemency for me.

Q -- would that get you out of goal, Father Moyer speaking to anyone?

A Well, Father Moyer visited me in the goal.

Q How many times?

A He was there several times a week, or a couple of times a week.

Q Was he there anyway?

A He was the goal padre; I might leave it at that.

Q Why would you need McDermott then to get him; if he was there as the goal padre you didn't need McDermott for that.

A I was, like I said, in a bad physical condition, and I might have said: "Could you talk to the priest to try and help me out, and see if I could be released on grounds of my health".

Q You might have said that. What did you say?

A I am not sure.

Q Couldn't you have asked the guard and said: "Send me the padre in" ?

A The padre used to come in without the guard, but I was in the hospital and was ill.

Q What has McDermott got to do with the padre then?

A I think he asked the padre if he could help me in any way.

Q Are you suggesting that is all McDermott did for you, that this is how he sprung you?

A I didn't say that he sprung me.

Q Well, you said he helped you get out of gaol ?

A I might have said that; if you want to use that expression, drop into the vernacular the word "sprung" has a lot of different meanings in different situations.

Q You got out of gaol, didn't you?

A Yes, I did.

THE COMMISSIONER: And he helped you?

MR MacKINNON: And he helped you, didn't he?

A I don't know, sir.

Q You asked for help?

A Yes, but that doesn't say that he helped me.

Q Did he get a doctor from outside to come in and look at you?

A No, I was treated by the gaol physician there.

Q Are you sure?

A I am sure - I think. I cannot say. Now you are putting me in a very difficult position, because I wasn't there during those months and I don't know.

Q Do you know who this doctor was?

A No, I don't, sir.

Q Did you mention Joseph McDermott to him?

A I cannot remember, sir.

Q Was he paid any special fee for his work on you?

A Not to my knowledge. Are you talking about in the gaol?

Q The doctor who came and looked at you.

A I believe that was the only doctor that came to see me there was the gaol doctor. I don't think they allowed any other doctor in but I am not sure, because I have already told you I didn't know what I was doing during those weeks.

Q You were not told that this doctor is a general practitioner?

A The only man that I know, answering this question first, the only doctor that I remember seeing there was the doctor on his early - on his regular rounds in the Mimico Reformatory Hospital Ward.

Q What sort of a check up did he give you, just on his regular rounds?

A He checked me all the time, and they gave me different things. They gave me bombs to put under my nose to keep the heart moving, and they gave me stimulants for my heart and that, nitro-glycerine tablets; they gave me sedatives.

Q Just so that you will be in no confusion, we have been advised that in your case an independent doctor was called in to examine you.

A Sir, if he was, then I must have been out. I don't remember. It could be.

Q And did you not mention, or did he not mention Joseph McGermott's name to you?

A I don't have any knowledge of an independent doctor being there. Now if they brought in an independent doctor ------

Q Any doctor.

A No, the doctor of the jail did not. He never mentioned - he never spoke or even breathed - I never had any idea that he would know Joe McGermott.

Q Let us clear it up this way: so far as you are concerned any doctor who examined you while you were in jail prior to your release never mentioned the name Joseph McGermott to you, and you did not mention Joseph McGermott's name to him. Is that clear?

A It is clear, but I have got to qualify that. For during my illness there, if I was semi conscious and a doctor came in, I know I never mentioned Joe McGermott's name to any doctor, no.

Q Or vice versa?

A Or vice versa, yes sir. I have no recollection in the County Jail of being treated by anyone but the male nurse there and the appointed physician for that institution.

Q Do you know whether Lou Herman wrote a letter on your behalf?

A I am not sure.

Q Weren't you advised of this?

A Not at that time I wasn't -- not at that time.

Q Were you advised subsequently that he had?

A I might have been.

Q Who paid for that?

A My wife probably.

Q Your wife will be able to tell us that?

A I don't know whether she would or not, but she probably has a better mind than I have, I don't know.

Q You are sure it wasn't Joseph McDermott who paid him?

A I am sure it was not.

Q Now you have told us that you may have gone to Feeley's home when you were released; is that correct?

A There is a possibility, I am not sure.

THE COMMISSIONER: Couldn't you remember that?

A I don't remember. I cannot remember. For months there I couldn't remember anything and take an oath on it that I remembered distinctly what happened.

Q Was that the first time that you were ever incarcerated?

A I had been in gaol for thirty days in 1941 or 2. Again I am vague. I don't know -- on a gaming house charge, and there might have been periods. I think back in 1936 there was seven days or fourteen days, and there might have been other seven

days, but I can't remember.

Q You had never been sentenced to a period as long as twelve months?

A Yes sir, I was sentenced on this gaming house charge to a year.

Q But before that?

A No sir - no sir.

MR MacKINNON: Now can you tell me whether there was a letter written to the Attorney-General's Department or the Department of Reform Institutions stating that you would be staying with Healey overnight, and that he was a very reputable citizen?

A I couldn't tell you. I have no knowledge of that.

Q Have you heard of that?

A Never heard of it. This is the first time I have ever heard of it.

Q I would like to ask you this: when you were running this club did you have anyone write to the Commissioner of Police or the Attorney-General's Department complaining about the raids that were being made?

A I believe there were some letters. The text of them, the time of them and anything else I don't know. I believe there were some letters.

Q And who wrote those letters?

A I don't know sir. I haven't the slightest idea.

Q Mr Herman?

A I don't know sir.

Q He was acting for you during all this period, from 1954 on at least?

A He was acting - I cannot give you definite times when he was acting for us.

Q Well, Mr Wilson produced a letter from Mr Harman stating he was acting for you and your club as early as 1954.

A Yes sir. Well, I don't know if there was a letter sent. If you state there was a letter sent, there must be a record of it, there must be a signature on it. I don't have any knowledge of it; I cannot remember.

Q And was there a letter to your knowledge sent from the Attorney-General's Department to the Commissioner of Police requesting or suggesting that the police should not bother you as much? Did you know that?

A No sir, I did not.

Q You have never been advised of that?

A I read something in the —— again I have got to quote the papers there - something about letters back and forth. I don't know anything about it.

(Page 2120 follows)

BR/WJR 1

MR. MacKINNON: Q. Now, you mentioned Dave Humphry calling you Frank outside here. Had he ever been down to your club?

A. I believe that he was, once.

Q. With Feeley or McDermott?

A. No, I think he came in there alone. I think David asked -- Contacted me for some reason and again I can't give you a definite yes or no. I might have called Dave Humphry in for some reason. I might have wanted some advice on something. I don't know.

Q. What other occasion had you used him, apart from this prosecution of which we know you went to jail?

A. I think I asked him -- I don't know. You see, my son was arrested for obstructing the police --

Q. I am talking before this?

A. I don't know who even acted for my son, at that time. I don't know. I can't remember who defended him at that time.

Q. Can you tell me who gave you Dave Humphry's name?

A. No sir, I can't.

Q. Or how you got in touch with him?

A. No, sir; I can't.

Q. Was at through Joseph McDermott?

A. No, sir.

Q. Or Vincent Feeley?

A. No, sir.

Q. Andyou are certain of that?

A. dI am positive.

Q. Was Mr. Herman ever down to your club?

A. I don't know whether Louis come down after the fire marshall's order or at the fire marshall's examination of the building. There's some recollection of it but again I can't give you a definite yes or no.

Q. What was this fire marshall's examination?

A. To make up put more doors in the club, more windows.

Q. When you were operating the windows -- When you were operating the club yourself?

A. Well --

Q. When you were operating the club yourself was Herman ever there when a game was going on?

THE COMMISSIONER: He hasn't said that yet.

MR. FMACKINNON: Q. Well, tell me: When your club was operating was Herman ever there?

A. While the game was in operation?

Q. Yes? While the club was operating?

A. No, not to the best of my memory he was never there. The only time -- I don't think so.

Q. The only time he was down was on this fire marshall's venture?

A. I think so; I'm not sure. I couldn't

give you a definite yes or no.

Q. Bringing it up a little more to date, you have already been asked on your meeting with Sgt. Anderson in this city, and I suggest to you that after you had met the first time that Sgt. Anderson - met with Sgt. Anderson - and he spoke to you subsequently on the phone, you advised him, as Mr. Wilson put it to you, that there had been a re-action and you knew he had a tape recorder with him - at that first meeting?

A. I might have said I got a re-action or I hadn't any knowledge or been told anything by any living mortal about that thing. I told you how that happened in my testimony yesterday.

Q. Did you tell him whether you had given information around that you knew he had a tape recorder on him when he met you? Did you tell him in this subsequent conversation?

A. Not to my knowledge.

Q. Could you have told him that?

A. I don't know. In my mental state then I don't know.

Q. And this is in 1957?

A. Yes, sir. I'm not sure about that either. It could have been 1960.

Q. It could have been 1960? Well, we are sure about it.

A. I'm not sure.

give you a suitable pay or so.

Q. Referring to as a little more in depth, you have physically been retired for [illegible] months after 1971, Somerset in 1969-1970, and I believe in the Dual Office you had at the Plans Exam from 1971. Therefore - was it in your judgment - and to relate to you successfully on the phone, you mentioned that, so Mr. Gilmore gave it to you, there had been a re-audit and you came to find a huge discrepancy with him - at that point [illegible].

A. I mighty have said I got a re-audit or I haven't any knowledge or been told anything by any Ministry official about there being. I told you from that [illegible] in my testimony yesterday.

Q. Did you tell him whether you had [illegible] in general that you knew to be a huge discrepancy on this when he met you? [illegible]

A. Not to my knowledge.

Q. Could you have told him?

A. I don't know. In my mental state then I wasn't [illegible].

Q. And then I'm [illegible]?

A. Yes, sir. I'm not sure exactly what either. It could have been [illegible].

Q. It could have been [illegible], or was [illegible].

A. I'm not sure.

Q. So your mental state continued on through 1958 and the whole of 1959?

A. I think it continued longer than that. I think it continued up to about eighteen months ago, and I am probably -- I feel better; my health has been better and I think maybe I am in better shape than I was.

Q. You assert you may have told him there was a re-action from the meeting but not that he had the tape recorder on him when you had the meeting with him?

A. I don't understand the question.

Q. Did you tell him there had been a re-action from that meeting?

A. I might have said that; I can't give you -- I am trying to be as honest as I can about it.

Q. I am sure you are.

A. I might have said I got a re-action from it, I don't know.

Q. What was that re-action?

A. I don't know. I never got any re-action from it. That was probably just some crazy thought I had; just wild things going around in my head.

Q. You knew how to get from Windsor to Toronto?

A. I could get around, sir.

Q. Did you play in any floating crap games when you were up that time?

A. No, sir.

Q. You are a compulsive gambler but you couldn't locate these games?

A. I probably didn't have the funds, sir.

Q. Didn't you say to Sgt. Anderson when you had these meetings with him "Everything seems to get out"?

A. I might have said that, sir.

Q. What did you mean by that?

A. I don't know.

Q. This is another crazy statement?

A. No, I don't think it's a crazy statement. I just think I might have said it.

Q. What did you mean by it?

A. I haven't the vaguest idea.

Q. Do you think you had any idea just what you meant by it?

A. In my mental state there I might have had all kinds of ideas.

Q. Can you give me some?

A. Any crazy thing that you can think of I was capable of doing.

Q. It doesn't seem very crazy just saying "Everything seems to get out"?

A. Well, sir, there might have been other things flying around in my head. I don't know what I meant by it. I haven't got the vaguest idea what I meant by it. I don't know what was going to get out.

Q. Maybe what you told Sgt Anderson might get out?

A. Sir, I have no way of explaining that.

Q. Isn't that a pretty good suggestion?

A. I haven't the slightest idea during those months what I was doing. I told the court before I was in a state of mental turmoil. I still don't know what I was doing.

Q. I wonder if I might have this witness write out something for me?

THE COMMISSIONER: Yes.

MR. MACKINNON: Q. Would you care to sit there and take a pen and some paper. I wonder if you would write this for me, please.

A. I'll do the best I can.

Q. "You had better pay up if you don't want trouble."

A. (Witness writes it down on paper).

Q. Will you sign it J. Gran.

A. Do I have to put a signature on this, Mr. Commissioner?

THE COMMISSIONER: Yes.

A. How do you spell Gran?

MR. MACKINNON: Q. GRAN. O.K., thank you. I wonder if I could file that as an exhibit, sir?

THE COMMISSIONER: Yes.

---EXHIBIT NO. 94: Sample of J F Gardner's handwriting.

MR. FMACKINNON: Q. Does the name Dr. Noble mean anything to you?

A. Dr. Noble? Was that the jail 99 I think that might have been the jail physician. I'm not sure.

Q. Was his name ever mentioned to you by Joseph McDermott?

A. No, sir.

Q. Now, isn't it a fact that th$s man Attwood, who was subsequently murdered, was kicked out of your club because he was using crooked dice?

A. No, he wasn't.

Q. Do you —

A. He wasn't a cheater in any way, shape or form. He was a legitimate person. His background I don't know but he wasn't what I would class as a cheater.

Q. You did not kick him out of your club?

A. No.

Q. And he did not use crooked dice?

A. No.

Q. Do you know Joseph Ernest Amato?

A. Yes I do, sir.

Q. Who is he?

A. He was an outside man at the club.

Q. Would he know Attwood?

A. No. Outside of seeing the car drive up during the amount of times he come there. He

might have recognized him as a player but I don't think he would recognize him by name.

Q. Who hired Amato?

A. I did,sir.

Q. Did he know Joseph McDermott?

A. One night when Joe was there --

THE COMMISSIONER:Q.Did he know him?

A. I am trying to straighten this out.

Q. Just say yes or no? Did he or didn't he?

A. I'm not sure whether I introduced Joe to him or not. I'm not sure about that.

Q. You were not asked that. You were asked --

A. The only way that he would know Joe McDermott is if I said this is Joe McDermott; he would have no other way of knowing.

Q. If he knew Joe McDermott it would be because you introduced him?

A. That's what I am trying to tell you, sir.

MR. MACKINNON: Q. Did he stay with you?

A. He might have stayed in the club until the club went down. I think he stayed here. Yes, he did. He was arrested with us. He was charged as a keeper.

Q. He was one of those charged?

A. Yes, sir.

Q. So that is the other name you could not remember?

might have overplayed him as a cheater but I don't think he would accumulate him by cheat.

Q. Was Harry Anderson

A. I did,sir.

Q. Did he know Joseph Schoenbrun

A. Yes sir,I think he was there --

Mr. Schoenbrun.Did he know him

A. I am trying to remember this guy.

Q. Have may you not met Mr Schoenbrun

A. I've met guys whose name I knew and I can tie him or name. I've met guys without name.

Q. Was Harry and Joseph Yes. Was Joseph present

A. Yes sir.

Q. Was Harry Anderson present

A. Yes sir.

Q. Did he know Joe Schoenbrun if he would be recognize your Schoenbrun's face.

A. That's what I am trying to tell you, sir.

Mr. MACCRATE: Q. Did he ever talk you

A. He might have whispered in the ear that the girls would come down. I know he whispered there. That did. He was acquainted with us. He was charged for a hangover.

Q. Is this one of those occasions

A. Yes, sir.

Q. Do you [illegible] you could [illegible]

A. No, I said Amato, I believe.

Q. I think you said Pitts?

A. No, I never mentioned Pitts today. I said Amato; but Pitts was the other man.

Q. Who is Pitts?

A. He was a local boy from Windsor.

Q. What was his occupation with your organization?

A. He was an outside man.

Q. Do you know where he is now?

A. I haven't the slightest idea, sir.

Q. He has not been one of those you feel you called on the telephone once you heard the Royal Commission was being announced?

A. I never called anyone on the telephone with the exception of Leo Finnigan, was the only man I called. I haven't talked to Pitts in four years. I haven't talked to Pitts since the day of the trial.

Q. When you spoke to Finnigan did you suggest to him it might be a good idea if he did go up north for a while?

A. No. He told me "Telephone calls cost a lot of money, Frank." He said "I'll write you a letter". He said "Let's not waste a lot of money". I was paying for the call; so he wrote me a letter and the letter consisted of personal things of his family like and mining inquiries; and he suggest that I raise some money and this might be a means of both of us

A. No, I said Amoco, I believe.

Q. I think you said Texaco.

A. No, I never considered Pitts Corporation.

I made inquiries with Pitts and this other man.

Q. Who is Pitts?

A. He was a local boy from Houston.

Q. Other than Pitts, approximately how

organized?

A. He was an oilfield man.

Q. Do you know where he is now?

A. I haven't the slightest idea, sir.

Q. Do you not know one of whom you

that you talking to the Schlumberger people

around the Texas Corporation were being approached

A. I never talked anyone on the Schlumberger

with the exception of Jay Pitts, you say?

man I talked. I haven't talked to Pitts in

four years. I haven't talked to Pitts since the

day of the trial.

Q. When you spoke to Schlumberger did you

suggest to him it might be a good idea if he did

go to South Dakota?

A. No. He had an "Schlumberger drilla Dome

a lot of money, Frank." He said "Oil is with

you a factor". He said "Jed's not worth a lot

of money". I was looking for the oil; so he

wrote me a letter and the Texaco corporation or

Texas Company of Pit Hill Jay Pitts and Ralph

Hamilton, and he wrote back I wrote some

letters and did a right to a number of land of no

getting on our feet.

Q. You were calling him about a Royal Commission and he sent a letter which was a social letter?

A. My call was to tell him the Royal Commission was going to sit; it was some time in August. His answer to me was a social letter answering the letter that I gave to him.

Q. You indicated you did not know very much about Johnny Papalia today but yesterday you told us that he had come down, I believe to Windsor. Was that where you first met him?

A. Yes, I think in Windsor.

Q. And you went to pay a courtesy call on him?

A. He had come down there for a funeral. I don't know. I attended the funeral. Some Italian had died and that is how I made the contact; by some people at the funeral telling me he was at the hotel. I think it could have been the Prince Edward - I'm not sure.

Q. You went there to pay him a visit because he was a big man, isn't that right?

A. No. He had some stature.

Q. What was that stature?

A. I haven't the slightest idea.

Q. What?

A. He had some stature as a gambler and

getting on our bus.

Q. You were selling him about a total insurance policy in your Lincoln while you a added coverage?

A. My call was to tell him the total insurance and going to sell it to the man in August. His answer to me was a second letter answering the letter that I gave to him.

Q. You indicated you did not know very much about Clifton Fleming and yesterday you told us that he had some guns. I believe to Kimmer. Was that where you first met him?

A. Yes, I think in Kimmer.

Q. And you went to pay a condolence call on him?

A. He had some guns there for a funeral. I don't know. I attended the funeral. Some Italian had died and that is how I made the acquaintance by some people at the funeral telling me he was at the hotel. I think it could have been the Fusino funeral - I'm not sure.

Q. You went there to pay him a visit because he was a big man, isn't that right?

A. No. He had been sick.

Q. Had you met Clifton?

A. I haven't the slightest idea.

Q. When?

A. He had been staying as a gambler and

all the gamblers try and know one another. You try and know one another to try to help yourself.

Q. How was it going to help you in knowing John Papalia?

A. I knew a few Italians and you go from one to the other.

Q. Papalia wasn't down in Windsor, was he, that wasn't part of his bailiwick?

A. I don't know where his bailiwick was.

Q. You told us Toronto, today?

A. Well, yes, because he was from Toronto and he toldme his family home was in Hamilton or Welland or Thorold - I'm not sure about that, either.

THE COMMISSIONER: Q. Whose funeral did you attend?

A. It was some Italian who died in Windsor. I can't remember now.

Q. Was he a good friend of yours?

A. No, but I went amongst the people who go with Italians or a funeral but they expect you to go to their funerals. I go and I married into the Italians years ago.

Q. I know but you wanted to forget that? Are you a member of the Italian community?

A. No, sir.

MR. MACKINNON: Q. You are not a member of the Italian community?

all the grandkids buy and have the mortuary. They and have one another to buy to help [illegible] [illegible].

Q. How was it going to help you in insuring John Pucciati?

A. I guess a lot Italians not get [illegible] from not by the mortuary.

Q. Pucciati wasn't down in Kingsburg, was he, but wasn't part of the building?

A. I don't know where his business was.

Q. You told us Toronto, today?

A. Well, yes, because he was from Toronto and he talked his family home was in Hamilton or Welland or Toronto - I'm not sure exact town, sir.

THE COMMISSIONER: Q. Those funeral did you attend?

A. It was some Italian who died in Kingsburg. I don't remember exactly.

Q. Was he a good friend of yours?

A. Oh, that I don't remember the people who go with Italians or a funeral but they expect you to go to their funerals. I go and I mortuary like the Italian guys do.

Q. I know but you worked to Kingsburg. Are you a member of the Italian community?

A. No, sir.

MR. MACKINNON: Q. You are not a member of the Italian community?

A. No, sir, but I know everybody there.

Q. Did you tell us whose funeral did you go to?

A. I can't remember, sir.

Q. Where was it held?

A. It was held in Windsor or Detroit, sir. I can't remember.

Q. You can't even remember whether it was in Windsor or Detroit?

A. No sir, I can't.

Q. You don't know the name of the man who had died?

A. No, I don't, sir.

Q. You don't know when it was?

A. I don't remember theyear. I just know Magnazio's in Detroit over a period of years I must have attended 150 funerals there.

Q. Why would you be going over to Detroit to attend Italian funerals?

A. I knew a lot of Italians. I have associated with a lot of Italians all my life, since I was a young boy.

Q. We know that but why would you be going to a funeral over in Detroit? You live in Windsor, don't you?

A. Yes, sir, but I attended funerals or weddings on both sides of the border.

THE COMMISSIONER: Q. You said Arado?

A. Pete Corrado I believe, sir.

[illegible]

thereon.

Q. Did you tell me where Tamarack did work on 5th?

A. I didn't remember, sir.

Q. Where was it built?

Q. Did you build in Oakland or Berkeley, sir. I don't remember.

Q. Did Early ever remember whether it was in Oakland or Berkeley?

A. No sir, I don't.

Q. Did Early know the name of the owner of the land?

A. No, I don't, sir.

Q. You don't know when it was?

A. I don't remember therefore. I have been Superintendent for Berkeley a period of years I must have attended 100 Tamarack Street.

Q. Why would you be working over in Berkeley on Tamarack Street, Tuesday?

A. I have a job of Installing. I have accumulated with a lot of Installing oil or life, since I was a young boy.

Q. Do know that but why would you be going to a Tamarack Street in Berkeley. You live in Oakland, don't you?

A. Yes, sir, but I attended Tamarack or working on behalf either of the brother.

Mr. [illegible]: Q. The only place

Q. Now Tamarack I believe, sir.

Q. Corrado, yes.

A. Yes, sir.

Q. Can you think of any other Italian men who died over there whose funeral you attended?

A. There was so many. Somebody would die and they said "Black Mike died" or "Big Louis died" and you go over there. It's part of the Italian routine. You go there to be seen and see and as a mark of respect. You just go to see people. Half the time you wouldn't even know him. Some of them you would never see in your life.

Q. Was this man who died a gambler?

A. When Papalia come down there?

Q. Yes?

A. I can't remember, sir. He might have been.

MR. MACKINNON: Q. Did you ever see Papalia again after that courtesy call?

A. No. I came here at one time and I was going to contact Johnny.

Q. Did you ever see him again?

A. I am trying to recollect in my mind. Not from that time I don't believe I had any contact with him. No.

Q. You only saw him once in your life?

A. I think so.

Q. Did you ever go on any trips either with Feeley or McDermott?

Q. Incredible, yeah.

A. Yeah, sir.

Q. Was you thinking of any other Indian

that was first shot down (Pause) Was

anything?

A. Those were so many. Immediately as I

saw that they said "Black Man down" or "Nigg

Indian down" and you go over there. It's part of

the Indian mentality. You just have to be seen and

see and be a mark of respect. You just go to see

another. Half the time you wouldn't even know

why. Some of them are really great men in your

life.

Q. Why that man who died a gunfight

A. Wyatt Earp's name first?

Q. Yes.

A. I don't remember, sir. He mighty

fast.

Q. Incredible. Q. Did you ever see

Crazy Horse after that fourteen years?

A. No. I came from my home and I

was going to Canada (Pause).

Q. Did you ever see him again?

A. I am trying to remember in my

mind. But from that time I never believe I had

any contact with him. No.

Q. You only saw him once in your life?

A. I think so.

Q. Did you ever go on any Indian affairs

with Henry or Commissioner?

A. No sir, I never did.

Q. On any trips out of the country?

A. Never did.

Q. Up north?

A. Never did, sir.

Q. Yes.

MR. MACKINNON: I wonder, sir, if we might have a short adjournment? I would like to see you in your chambers. I wonder if this witness during the adjournment would write out four more copies?

THE WITNESS: If you would have somebody call it off.

MR. MACKINNON: Somebody can read it out to the witness. I would like to have five copies of this if we could have a short adjournment.

THE COMMISSIONER: Will five minutes do?

MR. MACKINNON: Yes.

THE COMMISSIONER: All right.

---Whereupon the hearing adjourns at 3.15 p.m.

---On resuming at 3.25 p.m.

MR. WILSON: I will ask this witness to step down for a moment and call Mr. Rose to the box.

THE COMMISSIONER: Have this witness leave the court room.

MR. WILSON: Yes.

Leave the courtroom.

A. No sir, I never did.

Q. Or any trains out of the country?

A. Never did.

Q. Up north?

A. Never did, sir.

Q. Sir,

[illegible] I should like to ask you in your observation. I wonder if this witness during his experience could verify the same reality.

THE WITNESS: If you would have somebody call it off.

MR. MACDONALD: Certainly can that it be put to the witness. I would like to have first [illegible] of this a if we could have a short adjournment.

THE CONSTABLE: All rise. Court adjourned.

MR. MACDONALD: Yes.

THE CONSTABLE: All rise.

--Whereupon the hearing adjourned at 5:10 p.m.

--On resuming at 2:25 p.m.

MR. MCLAUGHLIN: I will ask this witness to [illegible] for a moment and call Mr. Jones to the [illegible].

THE CONSTABLE: Have this witness leave the court room.

MR. MCLAUGHLIN: [illegible]

Have the [illegible]

WALTON CHARLES ROSE, SWORN

EXAMINED BY MR. WILSON:

Q. You are a practising lawyer in the City of Toronto?

A. That's correct, sir.

Q. Now, I do not propose at this point to deal with all the matters that I want to examineyou on. I am going to restrict it to one particular event. When did you first get in contact with Mr. Gardner, the witness who has been giving evidence here today during the course of this week?

A. Tuesday night at 7 o'clock.

Q. And how did the contact come about?

A. Mr. Humphry called me and said that he had been talking to Mr. Gardner and that Mr. Gardner was in the City of Toronto, staying at the Lord Simcoe Hotel; and that Mr. Gardner would like to speak to me concerning the fact that he was appearing as a witness.

Q. Now, where were you when you received this information from Mr. Humphry?

A. I have -- I think I was in my office.

Q. And the time?

A. I would say between 2 and 4 o'clock on Tuesday afternoon.

THE COMMISSIONER: Q. Just a moment. In your office?

A. Well, he called me on the the phone at the office first. He came to my office, sir.

[illegible]

[illegible]

Examined by Mr. Atkinson:

Q. You are a practising lawyer in the City of Toronto?

A. That's correct, sir.

Q. Now, I do not propose at this point to deal with all the evidence that I have to examine you. I am going to restrict it to the qualifications which the plaintiff has in contract with the defendant. The witness has been giving evidence here today during the course of this action.

[illegible] Personal right of I [illegible]

Q. Had the [illegible] the [illegible]

A. Yes, [illegible] [illegible] in the City of Toronto, acting on the Land Titles Branch and that is, [illegible] would like to speak to me concerning the [illegible] which he was approaching me as a witness.

Q. Did [illegible] you [illegible] [illegible] [illegible] information from [illegible]

A. [illegible]

Q. Did the [illegible]

A. I would say between 2 and 3 o'clock on Tuesday afternoon.

THE COMMISSIONER: Q. Just a moment. In your office?

A. No, he called me on the [illegible] at the office [illegible]. [illegible] [illegible] [illegible]

Q. Humphry called you at your office?

A. Yes, sir.

Q. Yes?

MR. WILSON: Q. That would be the Tuesday of this week?

A. The day before yesterday, sir.

THE COMMISSIONER: I missed something.

Q. You first contacted Gardner when?

A. I first spoke with him at 7 o'clock Tuesday evening, sir.

Q. I see.

MR. WILSON: I was just going to follow through.

THE COMMISSIONER: All right.

MR. WILSON: Q. As a result of that information that you received from Mr. Humphry what did you do?

A. I went to the Lord Simcoe Hotel.

THE COMMISSIONER: No, something before that.

Q. Humphry then came down to your office?

A. Humphry, first of all, when he called me he asked if I would be available for an appointment at 7 o'clock that night? I don't recall that he mentioned who it was that he wanted me to see, or the person who wanted to see me - which ever way it was.

Humphry then attended in my office in respect fundamentally to another matter; and while

Q. Business relations you do your [illegible]

A. Yes, sir.

Q. Yes?

MR. [illegible]: Q. That would be the

[illegible] of this [illegible]

A. The Jay Cooke [illegible].

MR. [illegible]: I [illegible].

A. The Third National [illegible]

A. I [illegible] Jay Cooke [illegible]

Q. I see.

MR. [illegible]: I was just getting to that in

[illegible].

MR. [illegible]: All right.

MR. [illegible]: Q. Are a member of that

firm/[illegible] that you [illegible] from Mr. [illegible]

when did you do?

A. I went to the Lord [illegible] House.

MR. [illegible]: Mr. [illegible]

Q. [illegible] years [illegible] 50 years

ago?

A. [illegible], first of all, when Mr.

[illegible] on to [illegible] I could be [illegible]

as [illegible] as I'd [illegible] I don't

[illegible] that [illegible] it was [illegible]

[illegible] or the person who [illegible]

see me - which [illegible] it was.

[illegible] [illegible] in my [illegible]

[illegible] [illegible] [illegible] [illegible]

he was there I said "Who is thepersen that wants to see me at 7 o'clock", at which time he told me it was Mr. Frank Gardner.

Q. And did he say the appointment had been set up?

A. She wanted to know if I could be there at 7 o'clock.

THE COMMISSIONER: Just a moment, I want to get this very carefully, so don't go so fast.

Q. MR. WILSON: Yes, all right.

Q. If you could be at the Lord Simcoe Hotel?

A. Yes, if I would be prepared to meet him there at 7 o'clock.

THE COMMISSIONER: Q. Yes? Wanted to know if you could be at the Lord Simcoe Hotel?

A. At 7 p.m. on Tuesday of this week.

Q. And was it in your office that he told you the man he wanted you to see was Gardiner?

A. As I recall, yes sir.

Q. All right.

MR. WILSON: Q. What did he say as to the purpose of the meeting?

A. I do not recall what he specifically said, sir, but I received the impression that Gardner wanted some legal representation or some legal counsel before this hearing.

Q. Before this Commission?

A. To appear before this Commission.

Q. And you said "We by [illegible] that
matter to one on T O'Leary", at which time
he talk to it was Mr. Frank Gardner.

Q. And did he say the conversation had
been not up?

A. The method to know if I could be
there or T O'Leary.

Q. [illegible] I mean, I want
to put this very carefully, so don't go so fast.

A. Mr. [illegible] They all right.

Q. If you could be at the land office
[illegible]

A. Yes, if I would be required to meet
him there at T O'Leary.

Q. [illegible] Just, [illegible] by
know if you could be at the land office [illegible]

A. At 7 p.m. on Tuesday of that week.

Q. And was it [illegible] office that he
told you the man he mentioned you to was
[illegible]

A. [illegible]

Q. All right.

Mr. [illegible] Q. [illegible] in my as to the
[illegible] of the [illegible]

A. I do not recall what he specifically
said, etc, but I received the impression that
[illegible] [illegible]
[illegible] [illegible] [illegible]

Q. [illegible]

A. [illegible]

Q. Right.

A. Now, that was the impression I got from him. I am not going to say specifically he said that but that was my impression.

Q. You knew Gardner before this time, I take it?

A. I met Gardner on two occasions. The first time I met Gardner was in the City of Windsor some years ago, at the timehe was charged in connection with the Roseland Club in Windsor.

Q. That would be in November, 1958?

A. I thought it was a different part of the year, than November.

Q. I am sorry, it was 1957, November 1957?

A. It would be approximately two or three days before the trial took place.

Q. Three days before the trial?

A. Before the actual trial.

Q. And who were you representing at that time?

A. Frankly, I don't know.

Q. You just went off to Windsor without knowing who you were representing?

A. No.

Q. Tell us how it came about that you went to Windsor?

A. At that particular time I was the junior partner in the law firm of Herman, Moses

Q. Okay.

A. Then, that was the investigation I did from 1110. I do not recall my [illegible] in said that that was my [illegible].

Q. You knew Gardner before this time.

I think 1?

A. I met Gardner on two occasions.

The first time I was introduced to him while of Nicolas [illegible] on the times he changed in connection with the Homeland Club in Windsor.

Q. That would be in November, 1969?

A. I thought it was a different part of the year, June November.

Q. I am sorry, it was 1967, November 1967?

A. It would be approximately two or three days before the total [illegible] phone.

Q. Three days before the total?

A. Before the actual total.

Q. And who were you corresponding at that time?

A. Frankly, I don't know.

Q. You just went off to Windsor without knowing or you [illegible]?

A. No.

Q. Tell us how it came about that you went to Windsor?

A. At that particular time I was the junior partner in the law firm of Herman, Hason

and Rose. That firm had come into existence approximately a year and a half or two years before. I went to Windsor along with Mr. Louis Herman, the senior partner of the firm. He was going to Windsor with the Roseland Club and I went along with him. I had no particular knowledge of the club. I knew there was a prosecution in progress.

I was informed Mr. Arthur Martin was the leading counsel for the defendants and I went along with Mr. Herman as one of his partners. Now, the second time --

Q. Just before I leave that --

A. All right.

Q. Did Herman not tell you what the purpose of the trip to Windsor was?

A. The only thing that I can say to you, sir, was that it was in connection with the prosecution of the Roseland Club.

Q. Did you do any legal work when you got there on that first trip?

A. As I recall there was one meeting in a hotel room. I think it was in Detroit; at which I met a gentleman by the name of Barney Cohen, a Windsor lawyer; I believe Mr. Arthur Martin was there, and Mr. David Humphry was there. Mr. Herman was there and I was there and I recall that there was certain discussions took place at that time about the prosecution and its defence.

not then. This film had some into relations approximately a year and a half or two years ago. I went to Hollywood-Stang with Mr. Louis Berman, the motion producer of the film.

Q. He was going to Hollywood with the Hunchback film and I went along with him. I had no professional knowledge of the study. I been doing and a professional in Hollywood.

I was informed Mr. Arthur Hurtig was the leading counsel for the prosecution and I went along with Mr. Berman as one of his witnesses. Then the hearing was —

Q. Just before I leave that —

A. All right.

Q. Did Berman say he'd get you about the witness of the study by telephone?

A. The only thing that I can say to you, sir, was that it was in connection with the prosecution of the Hunchback film.

Q. Did you do any legal work when you got there on that Hunchback study?

A. As I recall there was one meeting in a hotel room. I think it was in Hollywood; at which I met a gentleman by the name of Harvey Orkin, a clever lawyer I believe Mr. Arthur Hurtig was there, and Mr. Louis Berman was there.

Mr. Berman was there and I was there and I recall that there was another discussion then going on at that time about the prosecution and the defense.

Q. At that stage who was Mr. Herman representing?

A. Well, as far as I knew, sir, Mr. Herman was representing the club as its solicitor. Now, that is my impression and always has been.

Q. And how long were you at Windsor on that occasion?

A. On that occasion I was in Windsor I believe -- We arrived during the daytime, I think it was around noon, and I believe I left Windsor the following day; and it was either one or two days later that a plea of guilty was entered on behalf of the persons accused, or on behalf of some of them.

I returned by myself to Toronto.

Q. You mentioned another visit you had?

A. No, sir.

Q. This was the only visit?

A. That is the only visit I had.

Q. I thought a moment ago you were going to tell us about another?

A. No, you asked me about Mr. Gardner. The second time I saw Mr. Gardner was in the Toronto International Airport at Malton, and Mr. Gardner was sitting in a chair, presumably waiting either to take off in an aircraft or meet somebody there; and this would be subsequent to the time that he was released from jail. I

Q. At that stage who was Mr. Lawson representing?

A. Well, as far as I know, with Mr. Lawson was representing the club as its solicitor. They felt it is supposed to be a closer bond.

Q. And they long were pre as closer as that somewhere?

A. On that occasion I was in Windsor I believe -- he arrived during the daytime. I talked to him around noon, and I believe I left Windsor the following day; and in two or three days later, then a plan of quality was arranged on behalf of the persons accused, on behalf of some of them.

I returned by myself to Toronto.

Q. Was mentioned another club that was?

A. Oh, Mr.

Q. This was Thomaly Valley?

A. There is the only club I know.

Q. I thought a second was that was closer to Mr. on closer membership.

A. Oh, you mean the Buffalo. The second time I saw Mr. Gardner was in the Toronto International Airport at Malton, and Mr. Gardner was waiting in a chair, presumably waiting a flight to take off in an aircraft or was accompanying them; and this would be subsequent to the time that he was released from jail. I

1 believe I was flying somewhere and it was a
2 chance meeting in the airport.
3 Q. That is the only other occasion?
4 A. That's the only other occasion I
5 can recall, sir.
6 Q. Now, do you recall being in Windsor
7 a day or two after Christmas in 1957?
8 A. In connection with this matter?
9 THE COMMISSIONER: Q. In connection with
10 any matter?
11 A. I don't recall baingin Windsor a day
12 or two after Christmas in 1957. I may have
13 been; I don't recall it.
14 MR. WILSON:Q. You don't recall it.
15 Now, do you see Inspector Hatch of the
16 Ontario Provincial Police in the courtroom?
17 Stand up, please.
18 Have you ever seen him before?
19 THE COMMISSIONER: Q. Yes or no?
20 A. I'm sorry I can't answer that yes or
21 no. I did not recognize Inspector Hatch when I
22 saw him here.
23 Q. Here today, you mean?
24 A. I dropped up one day and sat --
25 Q. Do you recognize him now?
26 A. As having seen him before?
27 Q. Yes?
28 A. I recognize him now as having seen
29 him here last week.
30 MR. WILSON: Q. Did you ever recall

Q. Did you flying somewhere and if not, do
change anything in the airport.

Q. That is the only other accident
A. That's the only other accident I
can recall, sir.

Q. Now, do you recall being in window
a day or two after Christmas in 1937?

A. No somewhere with that matter

MR. CONNECTICUT: Q. In connection with
any matter?

A. I don't recall having window a day
or two after Christmas in 1937. I may have
been; I don't remember it.

MR. [illegible]: The man's recall it.

Q. Now, do you see Inspector Brown of the
Company Investigation Office in the courtroom
Stand up, Brown.

Have you ever seen him before?

MR. CONNECTICUT: Q. The or not

A. I'm sorry I can't answer that you or
no. I did not recognize Inspector Brown when I
saw him here.

Q. Have today, you mean?

A. I dropped up one day and not --

Q. Do you recognize his voice?

A. An hearing seen him before

Q. When?

A. I recognize him now on hearing seen
him that last week.

MR. [illegible]: Q. Did you ever recall

seeing him in Windsor in the month of December or around that time, 1957?

A. In December, 1957?

Q. Yes?

A. A know that I saw a gentleman whom I understand was a Sgt Hatch at the time that I was in Windsor with Mr. Herman. I may have seen Mr. Hatch on other occasions.

Q. Now you say you never --

A. Frankly, when I saw Inspector Hatch here I didn't recognize him.

Q. You say you never saw him in Windsor around December 27th, 1957?

A. No I didn't, sir. I didn't say that.

Q. You didn't say that?

A. No, sir.

THE COMMISSIONER: Q. Well, what did you say?

MR. WILSON: Q. What did you say?

A. I said I do not recall seeing him there.

Q. Now --

THE COMMISSIONER: Excuse me.

Q. I took this down: "When I was in Windsor with Herman I saw Sgt Hatch".

A. Yes, sir. I understand that was November, 1957.

Q. November, 1957, all right. Where did you see him?

A. I saw a person who was subsequently identified to me as Sgt Hatch. I didn't recognize him when I saw him here last week. I saw him in a bar in Detroit, Michigan.

MR. WILSON: Did you, on December 27th, 1957, see Inspector Hatch in, as you have called it, a bar in Detroit, Michigan?

A. Sir, perhaps if you would tell me when the trial of Gardner book place, I could tell you the date.

Q. Well, first of all, let us get it clear. Around about the time of the trial of Gardner, did you see Inspector Hatch in a bar in Detroit, Michigan?

A. I saw Inspector -- I saw a person who I found out is Inspector Hatch in Detroit, Michigan.

THE COMMISSIONER: Q. About the time of the Gardner trial?

A. I would say about two days before. Two or three days before.

(Page 2145 follows)

A. I saw a person who was subsequently identified to me as Jack Nelson. I didn't recognize him when I saw him here last week. I saw him in a car in Detroit, Michigan.

Mr. Bennett: And you identified Nelson, 1277, as Inspector Hatch in, as you have called it, a bar in Detroit, Michigan?

A. Why, yes, I did. If you could tell me when the trial of Inspector Hatch took place, I could tell you the date.

Q. Well, first of all, let us get it clear. Around about the time of the trial of Inspector, did you see Inspector Hatch in a bar in Detroit, Michigan?

A. I saw Inspector -- I saw a person who I found out is Inspector Hatch in Detroit, Michigan.

Mr. Commissioner: Q. About the time of the Inspector trial?

A. I could say about two days before. Two or three days before.

(Page 8149 follows)

Q. Do you identify him today as the same man you then saw?

A. No, sir. I didn't recognise this Inspector Hatch when I saw him here last week.

MR. WILSON: Now, just tell us the circumstances of the meeting with the person that you now identify ----

THE COMMISSIONER: Well ---

THE WITNESS: I have no doubt it is Inspector Hatch.

MR. WILSON: - as Inspector Hatch?

THE COMMISSIONER: He says he does not identify him.

THE WITNESS: I have no doubt that it is him, but I did not recognise him when I saw him here last week, and as a matter of fact, I still don't recognise him as the person who I had the meeting with in the bar, but I have no doubt that he is the person.

MR. WILSON: Well, you tell us the circumstances of this meeting that you have in mind in this bar in Detroit, Michigan.

A. I believe the first night I was there. I arrived sometime during the daytime with Mr. Herman, and we were met at the Windsor Airport by, I think, either two or three people, one of whom was Frank Gardner. We checked into ---

THE COMMISSIONER: Just a moment.

A. Yes.

Q. Do you identify this money as

the same bill you then had?

A. No, sir. I didn't recognize this inspector Brock when I saw his here last week.

Q. Do you identify him as the inspector before?

A. Yes sir. I have no doubt it is inspector Brock.

MR. WILSON: Do the inspector here?

THE CHAIRMAN: He says he does not identify him.

A. I have a doubt about it in him, but I did not recognize him when I saw him here last week, and as a matter of fact, I still don't recognize him as the person who I had the meeting with in the car. Just I have no doubt that's he in the person.

Q. Mr. Moss: Well, you tell us the circumstances of this meeting that you have in mind in this car in Detroit, please.

A. I believe the first night I was there. I arrived somewhere during the morning with Mr. Herron, and we were met at the Wayne Airport by, I think, either two or three people, one of whom was Henry Ford. We drove into ---

THE CHAIRMAN: Just a moment.

Q. You arrived with Herman at the Windsor Airport?

A. Yes.

Q. And you were met by a number of people?

A. I believe there were two or three, sir, one of which was Gardner.

Q. Yes.

A. And as I recall, we checked into a hotel in Detroit, Michigan. I believe the hotel was the Detroit Leland Hotel.

Q. Leland?

A. Yes. Now, searching my memory back, I believe it was that afternoon that I met Mr. Cohen, a Windsor lawyer - I think it was that afternoon. I can't be sure of it. In any event, a meeting had taken place.

Q. You met Cohen?

A. I met Cohen. I do recall meeting with Mr. Cohen, Mr. Martin, Mr. Humphry being present, Mr. Herman and myself, and I think there was another lawyer there. I can't say for sure.

MR. MacKINNON: Mr. Allan?

A. Perhaps. I can't say. Certain matters were discussed in connection with the case.

THE COMMISSIONER: Now, let's get back to the Airport.

A. Yes.

Q. You were met by two or three people,

Q. You arrived with Jackson at the Hammond residence?

A. Yes.

Q. And you were met by a number of people?

A. I believe there were two or three, one of which was Gardner.

Q. Yes.

A. And as I recall, we connected in a hotel in Detroit, Michigan. I believe the same was the Detroit Lemon Grove.

Q. Correct?

A. Yes. Now, something my memory back, I believe it was that afternoon that I met Mr. Cohen, a Gardner lawyer - I think it was that afternoon. I can't be sure of it. In any event, I meeting the Cohen place.

Q. You not Cohen?

A. I did Cohen. I do recall meeting with Mr. Cohen, Mr. Martin, Mr. Dunphy being present, Mr. Cohen and myself, and I think there was another lawyer there. I can't say for sure.

Q. Mr. Chairman, Sec. 123(a)

-- Question: I don't know. Warrants were discussed in connection with the case.

Q. Was anything, Mr. Jackson, said by the Sheriff.

A. Yes.

Q. You were met by two or three people:

one of whom was Gardner?

A. As I recall, it was Gardner.

Q. Did you know it was Gardner at the Airport?

A. I was introduced to him.

Q. I know. By whom?

A. I can't say. Presumably Mr. Herman.

Q. And he knew you were a lawyer?

A. I presume so. I imagine when Mr. Herman introduced me, he probably introduced me as one of his partners.

Q. Yes, I would think so.

A. It would seem normal.

Q. And did you know that Gardner was one of the accused?

A. Uh, I am sure I must have done.

Q. Yes. All right, Mr. Wilson.

MR. WILSON: Who went to Detroit with you after you had reached Windsor?

A. I think Mr. Humphry and myself took a room together in the hotel, which I think is the Detroit Leland Hotel, and I believe that the meeting that took place with Mr. Cohen, Mr. Martin and the rest of the lawyers involved, would be - I believe that was also in the same hotel. I am not positive, but I think it was in the same hotel.

Q. Then where did the meeting with Inspector Hatch take place?

one of whom was Gardner?

A. As I recall, it was Gardner.

Q. Did you know it was Gardner at the time?

A. I was introduced to him.

Q. I know. By whom?

A. I can't say. Presumably to Herman.

Q. And he knew you was a lawyer?

A. I presume so. I imagine when Mr. Herman introduced me, he probably introduced me as one of his partners.

Q. Yes, I would think so.

A. It would have occurred.

Q. Can you have that occurred the same as it did occurred?

A. No; we took it back for lunch.

Q. Yes. All right, Mr. Gilmore.

Mr. GILMORE: Who went to network when you after you had received payment?

A. I took for flooring and electric for a room somewhere in the hotel, which I think is the Antonio Tedone hotel, and I believe that the meeting that took place with Mr. Cohen, Mr. Gardin and the rest of the lawyers involved, would be - I believe that was also in the same hotel. I am not positive, but I think it was in the same hotel.

Q. Then where did the meeting with Tedone take place?

A. There was something that occurred before that. I believe it was the same day. If I was there only overnight, then it would be the same day. If I were there two nights, then it might have been the other afternoon. During the course of certain discussions - I don't believe Mr. Martin was there - some person or persons seemed to have information which they thought was somewhat reliable, and I can't tell you who it was - it was a general conversation - that the officers in charge of the prosecution of the Roseland Club had been endeavouring to obtain witnesses to come to the trial. It was intimated - now, I am saying this as merely rumour and hearsay - it was intimated that Mr. Hatch and whoever his associates were, were promising witnesses that if they would come to Windsor and give evidence at the trial they would receive police protection, that they would be put up in good quarters in a Windsor or a Detroit hotel, whichever it was, and that certain payments would be made to them out of the Ontario Police "slush" fund. Now, that was the information that was given. As a result of that information being given ----

Q. That was discussed, as you say, at a meeting with Humphry, Cohen ----

A. No, sir. I don't know who was present at that meeting. I know Humphry and myself were present. I don't know whether Lou' Herman was there or not.

Q. Some one mentioning that meeting before that. I believe it was the same day. If I was there only yesterday, then it would be the same day. If I were there two days, then it really was that the other attorney. During the course of certain discussions - I don't believe Mr. Martin was there - some person or persons named to you information which they thought was somewhat reliable, and I can't tell you who it was - it was a general conversation - that the officers in charge of the prosecution of the Rosalind Gish had been endeavoring to obtain witnesses to come to the trial. It was interested - now, I am putting this as nearly verbatim and memory - it was interested that Mr. Mason and whoever his associates were, were promising witnesses that if they would come to Windsor and give evidence at the trial they would receive police protection, that they would be put up in good quarters in a hotel or a branch hotel, whatever it was, and that certain payments would be made to them out of the usually police "slush" fund. Now, that was the information that was given. As a result of that information being given ----

Q. That was discussed, as you say, at a meeting only twice, then ----

A. No, sir. I don't know who was present at that meeting. I know somebody was myself were present. I don't know whether Mr. Jones was there or not.

Q. Yes.

A. I know - I am almost sure Mr. Martin was not there. I know Mr. Humphry was there, and I think Mr. Herman was there, and this was a matter that had evidently been rumoured around prior to the trial, because the arrest and the prosecution had been taking place for some time. In any event, as a result of this information being made available or being rumoured, it was thought that it would be a good idea to determine whether or not the police were making propositions of this nature which, if it was true, would certainly be severely frowned upon in the opinion of the people present. Due to the fact that, I believe, I had not acted for any chartered clubs or anything of that nature, an arrangement was made ——

THE COMMISSIONER: It was thought to be a good idea ....?

A. Due to the fact that I was relatively unknown.

Q. What was to be the good idea?

A. I haven't got to it yet.

Q. Well, tell us.

A. That is what I was about to do. It was that an arrangement might be made in Detroit whereby this rumour might be tested, and that I would represent myself as a member of the Roseland Club and that somebody would communicate to Mr. Hatch that this person might very well want to

give evidence. I understand that such a message was communicated and, as a result, in the evening - I think it was early in the evening - I was in a bar in Detroit, Michigan, and subsequently two other persons appeared who were introduced to me as Ont_ario Provincial Police officers. I understand now, or I understood shortly afterwards, that one of them was Mr. Hatch.

MR. WILSON: And who was with you?

A. I was alone. There was a gentleman who ran the bar. I don't recall his name - a short, slender fellow. I think he ran the bar. No, wait a minute. He didn't run the bar; he had a clothing store or some type of store in Detroit. He was the one that made the introductions.

Q. Was he there to introduce you?

A. I think so.

Q. Did he go into this bar with you?

A. I don't recall whether he went in or whether he was there when I arrived.

Q. His name was Miller, wasn't it?

A. I don't know. I don't recall.

Q. Where had you met him before you went to the bar? Was he at the hotel?

A. I don't recall where it was I met him, Mr. Wilson. I think that I met him in a clothing store in Detroit, and I seem to recall it was a store with a cheaper variety of goods. A

war-surplus store catches on the back of my mind, or something of that nature.

Q. Would Sam's Store refresh your memory at all?

A. No, I can't help you.

Q. And who directed you to the store and this man?

A. I think that the person who knew this man was Mr. McDermott.

THE COMMISSIONER: The person who knew what man?

A. This gentleman who set up the meeting with the Ontario Provincial Police.

MR. WILSON: That is Joseph McDermott?

A. Yes.

THE COMMISSIONER: Wait a minute. I am a bit confused. The person who knew what man?

MR. WILSON: Who knew Miller.

THE COMMISSIONER: Is that what you are saying?

A. Yes.

MR. WILSON: The man in the clothing store?

A. Yes.

THE COMMISSIONER: Yes.

MR. WILSON: Did Joseph McDermott set up the meeting with this man in the clothing store?

A. Either he set it up or arranged it.

Q. Or arranged it?

war-duty,has been imposed on the head of my office, or somebody of that nature.

Q. Would anyone where machine gun ammunition?

A. Why I don't know.

Q. Has who directed you to the office and that sort?

A. I think that the person who knew this man was Mr. Tomkinson.

Q. Do you remember the name?

A. This gentleman who was in the building when the Ordnance Department building.

Q. Yes.

A. Yes.

Q. Mr. Tomkinson. Was it Jones, I do a big command. The person who knew what many

Q. Yes. The name Allen.

Q. Tomkinson. Is that what you are saying?

A. Yes.

Q. The man in the building

A. Yes.

Q. Mr. Tomkinson. And another gentleman was in the building also in the building where

A. Either he was it up or something

Q. Yes, Lieut. Col.

A. That is to the best of my memory.

Q. Was he in Detroit or Windsor at this time?

A. Yes.

Q. And was he staying in the hotel at that time?

A. Yes, I am sure he was.

Q. What is the name of that hotel?

A. I think it was the Detoit Leland.

Q. The Detroit Leland?

A. I think that is the name.

Q. And he was there at the same time?

A. Yes.

Q. Was he sitting in on the discussions of counsel in regard to this particular case that was coming up in a few days?

A. Which discussion of counsel are you talking about?

Q. The one that you mentioned.

A. That would be the second time in which we had a meeting at which either two or three lawyers were present, yes.

Q. Where you say definitely Mr. Humphry was there and Mr. Martin was not?

A. I know he was not there.

Q. And you are not sure who the others were?

A. I think Mr. Herman was there.

Q. And you think Mr. Herman was there?

A. It seems to me there was another

A. Here in the book of my memory.

Q. Was he in uniform or tuxedo at this time?

A. Yes.

Q. And was he smoking in the hotel at that time?

A. Yes, I am sure he was.

Q. What in the name of God's money?

A. I guess it was a the Israelt Island.

Q. The Toronto Island?

A. I think that is the same.

Q. [illegible]

A. [illegible]

Q. Was he sitting in on the discussions of counsel in regard to this particular case that was coming up in a few days?

A. [illegible]

Q. [illegible]

A. Just would be the second time in which we had a meeting at which other two or three lawyers were present, yes.

Q. Have you any definite idea?

Q. Was there and Mr. Morris was not?

A. I know he was not there.

Q. And you are not sure who the others were?

A. [illegible]

Q. And you think not, perhaps more than.

A. [illegible]

solicitor there, but I don't recall him.

Q. What about Mr. Cohen or Mr. Allan?

A. I don't know. There was, I think, another solicitor.

Q. And was Mr. McDermott present at this meeting where there was a discussion?

A. Where this discussion took place?

Q. Yes.

A. About the rumour that had been rooted about?

Q. Yes.

A. Yes, I think he was.

Q. And in whose room did that meeting take place?

A. I don't recall, sir.

Q. And did Mr. McDermott set up this meeting by telephone from the room in which this discussion took place?

A. That I don't know, sir.

Q. You don't know the details of the set up of the meeting?

A. I do know that I met, before the meeting, this chap whose name I don't recall, and the arrangements were made through him. I took it from his attitude that he evidently was a type of police informer of one kind or another.

Q. And you don't recall the name of the bar you went to on this occasion with this man?

A. No, I don't. It certainly wasn't a high-class bar, I can say that.

solicitor there, but I don't recall him.

Q. What about Mr. Gunn or Mr. Allen?

A. I don't know. Those men, I think, handled criminal.

Q. Did you discussed grounds of jury selection there over a sandwich?

A. Where that discussion took place?

Q. Yes.

A. About the manner that had been handled cases?

Q. Yes.

A. Yes. I guess so was.

Q. And in where room did this meeting take place?

A. I really forgot.

Q. And did Mr. Gunnerson or Mr. Gale meeting in Gainesville from the place in which Gainesville Jail (?)?

A. That I don't know, sir.

Q. You don't know the identity of the men in of the meeting?

A. I do know that I not, during the meeting. This only person name I don't recall, and the representative were made because like. I know it from his attitude that he evidently was a type of police informer of one kind or another.

Q. And you don't recall the name of the that you went to on this occasion with this man?

A. No, I don't. It certainly wasn't Gainesville Jail.

Q. And there were two officers came?

A. Two persons who identified themselves as officers.

Q. - As officers?

A. Yes.

THE COMMISSIONER: I thought you said there was Hatch and two others?

A. No, sir, Hatch and one other. As I recall, there were two men.

Q. One of whom was Hatch?

A. To my knowledge, yes. I am sure I was introduced to him. I knew afterwards, and I think I knew at the time that this was Sgt. Hatch, but as I say, I didn't recognise him until I saw him.

MR. WILSON: How did you identify yourself?

A. I was introduced as being named Moishy Rose.

Q. How do you spell "Moishy:?

A. I don't know.

Q. And what other introduction did you get on this occasion?

A. As I recall , I was introduced as a member of the Roseland Club.

Q. And was your occupation mentioned?

A. Not to my knowledge.

Q. You weren't introduced as a shirt salesman by the name of Maurice Rose?

A. Called "Moishy"? I think I recall

[illegible] and Sigma Omega Phi affiliate

[illegible]

Q. The question was identical

[illegible] to affiliate.

Q. - Do believe?

A. Yes.

Q. [illegible] I thought you said

there was Darryl and the student

A. No, sir, Darryl and one other.

Q. I [illegible] there been two.

Q. How of them was [illegible]

A. To my knowledge, yes. I am sure

I was introduced to him. I know definitely, and

I think I know at the time that this was [illegible].

[illegible] but as I say, I slightly recognize him until

I saw him.

Q. [illegible] you did get [illegible] personality

A. I was introduced as being member

[illegible] Sigma.

Q. How do you spell "Delaney"?

A. I don't know.

Q. And what other introduction did

you get on this occasion?

A. As I recall, I was introduced

as a member of the Sigma Omega Club.

Q. [illegible]

A. Not to my knowledge.

Q. You weren't introduced as a pledge

affiliate of the Sigma Omega Club?

A. Called "Delaney"? I think I recall

the name "Maurice Rose;" I don't think I recall being introduced as a shirt salesman. I may have been, but I don't recall being introduced as a shirt salesman.

Q. You were, in any event, introduced as a member of the Roseland Club?

A. Yes.

Q. And this man who had gone to the club - the bar - with you made the introduction?

A. To the bar?

Q. To these two officers?

A. Yes.

Q. What did you tell these two officers on this occasion?

A. I don't know whether it was a question so much of telling the officers as it was a case of a sparring match. Frankly, I was trying to put the officers in a position to see if they would have - to see, one, if they would ask that I give evidence, and if I demurred or showed some hesitation, to see if they would then offer to give me police protection, to instal me in a suite in the hotel, and to see if they would offer me money out of the O.P.P. "slush" fund to give evidence. That was my intent, and as far as the conversation was concerned, anything I may have said was pointing towards that direction, to see if such a proposition would be made to me.

Q. You give your best recollection of what the conversation was.

[illegible] Tomorrow [illegible]? I don't think I [illegible] being [illegible] as a [illegible] witness. I am [illegible] [illegible] I don't [illegible] [illegible] [illegible] [illegible] [illegible] witness.

Q. Can more, in any event, [illegible] as a member of the [illegible] [illegible]

A. Yes.

Q. And then you also had gone to the club - the [illegible] club [illegible]

A. To the [illegible]?

Q. In [illegible] [illegible]?

A. Yes.

Q. How old you [illegible] [illegible] [illegible] [illegible]?

A. I don't know whether it was a question of [illegible] the officers as it was a [illegible] [illegible]. [illegible], I am trying to put the officers in a position to see if they would have - to see, one, if they would see [illegible] I give evidence, and if I [illegible] or [illegible] some [illegible], to see if they would [illegible] offer to give us [illegible] [illegible]. To [illegible] or [illegible] in the [illegible], and to see if they would offer us money out of the [illegible]. "[illegible]" [illegible] to give evidence. That was my [illegible], and so far as the conversation was concerned. By [illegible] I say [illegible] was pointing towards that direction, to see if such a [illegible] would be [illegible] to us.

Q. You give your best recollection of what the conversation was.

A. You have had it.

Q. You have no recollection of what you said to those officers?

A. Aside from what the reason for what I may have said, I don't recall what may have been said. I would do anything, I would say anything I could to see, I am sure, if they would disclose their hand and try to bribe me.

Q. Did they ask you for a signed statement?

A. I don't recall, sir.

Q. You don't recall?

A. I don't recall.

Q. And did they say anything in any way which supported what you had gone there for?

A. Absolutely not. As a matter of fact, it showed that the rumour was totally unfounded, and not a single suggestion of this nature was made or even intimated.

Q. Yes.

A. I do recall one thing that - no, I won't say the exact words. I think their conduct was such that rather than substantiate the rumour - their conduct was such as to say, "You don't," in effect, " want to see a gambling club go to where people end up being killed when they are winners," or something of that nature. In fact, their conduct, so far as their conversation with me was concerned, was above reproach.

A. You have had it.

Q. You have no recollection of what you said to those officers?

A. Aside from what the reason for what I may have said, I don't recall what may have been said. I would do anything, I would say anything I could to see, I am sure, if they would direct their hand and try to help me.

Q. Did they ask you for a signed statement?

A. I didn't sign.

Q. You don't recall?

A. I don't recall.

Q. And did they say anything in any way which supported what you had done there?

A. Conferred with. It's strange to me, it showed that the manner was totally informal, but in a strong suggestive or well-meaning way (laughed).

Q. Yes.

A. I do recall one thing was - no, I won't say the exact words. I think their conduct was such that rather than embarrassing the reporter their conduct was such as to say, "You don't," in effect, " want to be a prisoner, just go to where people and up there [illegible] where they are without," or something of that nature. In fact, that was what, so far as their conversation with me was concerned, [illegible].

Q. Is it not a fact that you said to them you had lost $8,000 gambling at the Roseland and you ——

A. I may have.

Q. Listen. And that you thought they ran a crooked game?

A. I may possibly have.

THE COMMISSIONER: No, not possibly - did you?

A. I can't recall.

Q. No recollection of that?

A. I don't recall anybody I may have said that. I don't recall. You must remember that once the police refused to take the bait, if I may put it that way, that was the end of it as far as I was concerned. That was the end of it.

MR. WILSON: This would be your opening statement, would it not?

A. What is that?

Q. The fact that you talked about losing $5,000 and that you thought it was a crooked game and you were willing to go over to Windsor and give evidence?

A. Are you saying to me that this was my opening statement, or are you asking me?

THE COMMISSIONER: Just a minute.

MR. WILSON: Let us get the order.

THE COMMISSIONER: Just a moment, Mr. Wilson. We are not finished with Mr. Gardner.

MR. WILSON: No.

Q. Is it not a fact that when you had loans to the amount of $5,000 pending at the Guaranty and you ——

A. I can hear.

Q. Listen. And that you thought from your a personal point.

A. I may prevailing here.

The Commissioner: Oh, not possibly — did you?

A. I don't recall.

Q. Or preliminary or what?

A. I don't recall, anyway I may have said that. I don't recall. The chief consideration that came into getting involved in this loan was, it is I may put it that way, that we had at it as far as I was concerned. There was two and of it.

Q. Mr. Shaw: This would be your opening statement, would it not?

A. That is true.

Q. The fact that you talked about loaning $5,000 and that you thought it was a crooked one but you were willing to go ahead. (Laughter and jury withdrawn)

A. Are you saying to me that this was my opening statement, or are you asking me?

The Commissioner: Just a minute.

Q. Withdrawn. Let me get the notes.

The Commissioner: Have a moment, Mr. Williams. We are not familiar with Mr. Shaw's.

Q. Shaw: Do.

THE COMMISSIONER: I am wondering whether or not you could have this witness stand down.

MR. MacKINNON: I do not think, with respect, that this should be in camera.

THE COMMISSIONER: There is no reason for having this in camera.

MR. MacKINNON: No. I understood he was being called about this phone call.

THE WITNESS: Which phone call?

MR. WILSON: I will go on with this, and we can come back to that.

THE COMMISSIONER: Yes.

MR. WILSON: Now, last night or this morning, Mr. Rose, did you communicate with the - with Mr. Gardner, the witness who has been giving evidence here today?

A. Yes.

Q. J.P.F. Gardner?

A. Yes.

Q. And at what time did you communicate with him?

A. Around 8.15.

Q. How did you communicate with him?

A. I phoned to Room No.510 at the Lord Simcoe Hotel from my home.

Q. At what time?

A. Around 8.15.

Q. And how did you identify yourself?

A. The phone ran, he answered it, I said, "Is that Frank Gardner?", and he said, "Yes," and I

said either, "This is Wally Rose," or "Walton Rose."

Q. Did you, when you called him this morning, say, "It's Bob calling"?

A. No, sir.

Q. Do you deny that on oath?

A. Completely and absolutely.

Q. And did you make only one call at a time which you fix as approximately 8.10 this morning?

A. To Mr. Gardner?

Q. Yes.

A. Yes, sir, and insofar as any call last night is concerned, I left Ottawa last night on the 10.45 plane to Toronto.

Q. Do you ever use "Bob" as a nickname?

THE COMMISSIONER: Wait a minute.

MR. WILSON: I am sorry.

THE COMMISSIONER: I thought you said last night you called Gardner at 8.15?

A. No, sir, this morning, at 8.15.

MR. WILSON: Have you ever used "Bob" as a nickname?

A. Never in my life.

THE COMMISSIONER: So if someone called Gardner and said, "This is Bob speaking," you are not the Bob?

A. No, sir, I have no knowledge of it at all.

MR. WILSON: I think that is all now.

said Antony, "Was he really some, "or "someone else,"

Q. The only thing you noticed was your

husband's "Who's this nothing?"

A. No, sir.

Q. Do you deny that on oath?

A. Positively and absolutely.

Q. And did you make only one call

on a time which you did as aforesaid? Is this

correct?

A. Mr. Mr. Smith?

Q. Yes.

A. Yes, sir, and

Q. Yes, sir, I refer to any call

last night in connection, I left Ottawa last night

on the 6.45 plane to Toronto.

Q. Do you ever use "Lady" as a cate-

gory?

Mr. Smith: Call a lady.

Mr. Smith: I be sorry.

The Commissioner: I thought you said

that what you called someone at 6.1?

A. No sir, this morning, at 6.15.

Mr. Smith: Have you ever used "lady" as

a nickname?

A. Never in my life.

The Commissioner: Is it according which

another man said, "This is too quantity," you use

not the word

Q. No, sir, I have no knowledge of it

at all.

Mr. Smith: I think that is all, sir.

THE COMMISSIONER: We will have to deal with the other later.

BY MR. MacILRAY:

Q. Just one question on this aspect of the matter.

A. Yes.

Q. Just with relation to being retained by Gardner, you say Humphry attended at your office in respect to another matter?

A. Yes.

Q. Was that a matter that had to do with McDermott and Feeley?

A. No, it was a matter that had to do with Mr. Hogg.

Q. He was giving information about Mr. Hogg?

A. Yes.

Q. Nothing to do with Mr. McDermott or Mr. Feeley?

A. No - well, now let me put it this way. Are you speaking of Mr. McDermott and Mr Feeley in their personal capacity, or are you speaking of Mr. McDermott and Mr. Feeley in relation to this Royal Commission?

MR. CHAIRMAN: We will have to deal with the other later.

Q. Just one question on this aspect of the matter.

A. Yes.

Q. Just with relation to being restored to partner, you say monetary damages is your option in lieu of actual delivery?

A. Yes.

Q. Was that a matter that had to do with Jeanette and Fealey?

A. No, it was a matter that had to do with Mr. Jones.

Q. Is the giving Jeanette money, Mr. Jones?

A. Yes.

Q. Nothing to do with Mr. Jeanette or Mr. Fealey?

A. No - well, now let me put it this way. Are you speaking of Mr. Jeanette and Mr. Fealey in their personal capacity, or are you speaking of Mr. Jeanette and Mr. Fealey in relation to this legal transaction.

Q. I am speaking of them in all their capacities, and I understand you are now acting for them?

A. I ----

Mr. MacKINNON: Are you now acting for McDermott and Feeley?

A. Yes, sir. I received a written retainer last week.

Q. Signed by them?

A. One week ago today, sir, I received a signed retainer from Mr. Feeley and Mr. McDermott to act as their counsel upon this hearing, and the same day I wrote a letter to the Commission counsel, Mr. Wilson, informing him of that fact.

Mr. MacKINNON: Do this interview that Humphry had with you had, in any event, to do with the Royal Commission?

A. It had to do with certain of the persons associated in the conduct of this Royal Commission and had to do with certain matters that were matters of public knowledge that indirectly were associated with this Royal Commission.

Q. And your interest, then, would be in being informed of these matters - your interest would be as counsel, I take it, for Feeley and McDermott? This wasn't just a gossip session, was it?

A. No, it wasn't as counsel for Feeley and McDermott.

Q. Are you Humphry's counsel as well?

Q. [illegible] in all

kind operations, and I understand you are

now acting for Hunt?

A. I am.

Q. Are you now acting

for Hunt in any and every

A. Yes, sir. I received a written

retainer last week.

Q. Signed by Hunt?

A. Yes sir, signed by Hunt. I received

a signed retainer from Hunt and it is necessary

to get an order removed from your honorable, and the

same day I wrote a letter to the Commission covering

it. Answer, I have the file of that here.

Q. [illegible] to talk to Hunt's

attorney had with you that, in any event, to do with

the Super Commission?

A. It was to do with certain of the

papers associated in the conduct of this local

investigation and has to do with certain matters that

were matters of public knowledge when Interrogatories

were propounded with this Local Commission.

Q. Not your interest, then, would be

in being informed of these matters - your interest

would be as counsel, I take it, for Hunt and

Commission. This wasn't just a casual question, was

it?

A. No, it wasn't as counsel for Hunt,

[illegible].

Q. Are you acting as counsel in all

A. Not as yet, sir. Let me put it to you this way, Mr. MacInnon. Mr. Humphry and myself have been close friends for a great number of years. Mr. Humphry has seen me on numerous occasions and has asked my advice on certain matters that are close to him, and this was one of them, affecting this Commission, as a result of which he swore an affidavit in front of another lawyer - a fairly long one - a two-page affidavit - which he left with me with certain instructions.

Q. So you are acting as his solicitor?

A. No. Let me put it to you this way, sir. This was done because I was a close friend of his, or am a close friend. I say "I am" - "I was" sounds bad. I am a close friend of his. It had something to do with this inquiry certainly. Not to do with McDermott and Feeley.

Q. Not to assist them in any way?

A. No. This information and affidavit that he gave me with instructions could not in any conceivable way assist McDermott and Feeley personally. It might assist the Commission a great deal.

Q. Presumably it might assist Mr. Humphry?

A. No. It would assist the Commission a great deal.

THE COMMISSIONER: Have you got it?

A. I don't have it on me, sir.

Q. Have you got it in the office?

A. Not at all, sir. Let me put it to you in this way, Mr. Mackinnon. Mr. Hockey and myself have been close friends for a great number of years. Mr. Hockey has been on an American commission and was asked by having on certain matters that are close to him, and this was one of them, effectively this Commission, as a result of which he became an affidavit in front of another lawyer - a fairly long one - a two-page affidavit - which he left with me with certain instructions.

Q. Do you now stand on his instructions?

A. No. Let me put it to you this way, sir. This was done because I was a close friend of his, or as a close friend. I say "I am" - "I was" sorry. I am a close friend of his. I had nothing to do with this legal commission. Not to do with Mr. Hockey and Hockey.

Q. Not to model them in any way?

A. No. This affidavit and affidavit that he gave me with instructions could not in any particularly be model (Hockey) and (Hockey) particularly. It might assist the commission a great deal.

Q. Presumably it would assist Mr. Hockey?

A. Yes. It would assist the commission a great deal.

The commissioner: Have you got it?

A. I don't have it on me, sir.

Q. Have you got it in the office?

A. Yes, I have, sir.

Q. Well, bring it up here next time you come.

A. I would be quite happy to.

MR. WILSON: I think, Mr. Rose, that is all. Now, I will be recalling you, and I had better give you a few days' notice.

A. Right. Thank you very much.

THE COMMISSIONER: Yes.

MR. WILSON: I will recall Mr. Gardner now.

THE COMMISSIONER: Very well.

J. F. F. GARDNER, recalled

BY MR. MacINNON:

Q. I just want to ask a few questions. Did you meet Mr. Rose after you had been charged? You were out on bail, were you not, on this gaming charge?

A. Yes, from October 13th, I think, we were out on bail.

Q. And did you meet Mr. Rose and Mr Herman at the Airport when they got off the airplane to go down to Windsor?

A. I can't remember, sir.

A. Yes, I have, sir.

Q. Well, bring it up here next time you come.

A. I don't do quite hand do.

Mr. [illegible] I think, Mr. Jones, that is all. Now, I will be recalling you, and I had better give you a few days' notice.

A. [illegible] Thank you very [illegible]

Mr. [illegible] I will recall Mr. Parkman now.

[illegible] Very well.

A. Jack Parkman, recalled

Q. I just want to ask a few questions. Did you meet Mr. Jones after you had been emptied out on bail, were you not, on this [illegible]?

A. Yes, from October 1970, I think, we were out on bail.

Q. And did you meet Mr. Jones and Mr. Newman at the Airport when they got off the airplane to go down to Miami?

A. I don't remember [illegible]

Q. Can you remember McDermott being there?

A. I can't remember that occasion, sir. I can't.

Q. You can't remember anything about Mr. Rose and Mr. Herman coming down to see you?

A. No, sir, not in that period. Yes, sir, I can remember them coming. You asked me if I remembered them at the Airport.

Q. Do you remember meeting them?

A. I don't remember meeting them in a group, no.

Q. Do you remember meeting them when McDermott was present?

A. Not that I can recollect, sir. I am not sure.

Q. It could have happened?

A. I couldn't say with certainty.

Q. And pleaded not guilty originally, did you not?

A. Yes, sir, we did.

Q. Why did you change your plea to guilty?

A. On the advice of consel.

Q. Did you know the reasons for the change of plea? You were the one more vitally concerned?

A. Mr. Martin asked for a ex recess, if I remember correctly, or it might have been one of the other attorneys, I am not sure. Somebody

Q. Did you recognize Tolomeny being

shot?

A. I didn't recognize that person.

Q. Did you?

A. The man's features appeared

familiar. Have and Ir. Tarman coming down to see your

Q. Yes, sir, and in fact yesterday. The

only I was remembering from yesterday. The event in

it I recollected then at the library.

Q. Right regarding general event.

A. I didn't remember meeting them

in a group, sir.

Q. Do you remember meeting them when

Robertson was present?

A. Not when I was recollect, sir. I

do not recall.

Q. It could have happened?

A. I couldn't say with certainty.

Q. Was Robertson not with Tolomeny?

A. Yes, sir, he did.

Q. Why did you change your view to

believe?

A. On the evening of reflection.

Q. Did you have the reasons for the

change of view? For were the one more vitally

concerned?

A. Sir, certainly not for a or reason.

If I remember correctly, or it might have been

one of the other attorneys, I am not sure. Somebody

asked for a recess, and then they told us that they were trying to have two men thrown out and it would be better if we pled guilty and they would settle for us - Finnigan and I. I believe that is right.

Q. Was it because you knew that the living Atwood was going to come and give evidence?

A. No, sir. I don't know whether he had already appeared in court or not. I am not sure about that, but I know that it was on the advice of counsel that I pled guilty.

Q. That is all for now.

A. Thank you. Can I leave the stand?

MR. WILSON: No, I have got a few questions yet.

A. Yes.

BY MR. WILSON:

Q. You have mentioned Joseph Amato who worked at the club, and I think he started to work for you in the latter part of 1955?

A. I couldn't be sure of the date, sir.

Q. Now, you were aware, were you not, when you employed him at that time that he had just been released from Kingston Penitentiary after serving seven years for armed bank robbery?

A. Yes, sir, I was aware of that.

asked for a recess, and then they told us that they were trying to have the men turned out and it would be better if we played quiet and they would settle for us - Hindman and I. I believe that is right.

Q. Was it because you knew that the Irving Atwood was going to come and give evidence?

A. No, sir. I don't know whether he had already appeared in court or not. I am not sure about that, but I knew that it was the reason of [illegible] [illegible].

Q. Thank you sir for now.

A. Thank you. Can I leave the room?

Mr. [illegible]. Yes, I have just a few questions.

EXAM.

A. Yes.

EX. [illegible]

Q. You were [illegible] there who worked at the club, and I think he started to work for Lynn in the latter part of 1950.

A. I wouldn't be sure of the date, sir.

Q. Now, you were aware, were you not, when you employed him at that time that he was just from Kansas City [illegible] [illegible] [illegible] [illegible]

A. Yes, sir, I was aware of that.

Q. You knew that?

A. Yes, sir, I was.

Q. And ——

THE COMMISSIONER: Did you say "bank robbery"?

MR. WILSON: Armed bank robbery.

THE COMMISSIONER: All right.

MR. WILSON: Now, how many employees did you have in 1956 and 1957?

A. I can't - I couldn't give you ——

Q. Approximately howmany dealers, watchmen and lookouts?

A. There might have been twelve. Something like that.

Q. Were there any among those who didn't have a criminal record?

A. I couldn't honestly say, sir.

Q. Can you tell me one that you can think of?

A. Well, I think some of them had gambling records.

Q. I am asking you whether any of them had no criminal records?

A. I couldn't say, sir.

Q. But most of them did have criminal records, didn't they? You don't want me to go over them one by one, do you?

A. No, I don't. I would say that a fair percentage might have had a record of some kind.

Q. You know Alvin?

A. Yes, sir, I know.

Q. And ——

MR. CONSTANTINOUS: Did you say "Bunk Johnson"?

Q. Bunk Johnson from Louisiana.

MR. CONSTANTINOUS: All right.

Q. Alvin, now, how many occasions do you have in your in 1951?

A. I can't — I couldn't give you ——

MR. CONSTANTINOUS: Possibly twelve, maybe not twelve?

A. Some years have been twelve.

Q. Were there any years there who really have a national record?

A. I couldn't honestly say, sir.

Q. Can you tell us one thing you can tell us?

A. Well, I think some of them had criminal records.

Q. Did Alvin ever mention to you that it was had no criminal records?

A. I couldn't say, sir.

Q. But most of them did have criminal records, didn't they? You don't want to go over them one by one, do you?

A. No, I don't. I would say that a lot particularly might have had a record of some kind.

THE COMMISSIONER: No, not "might have".

A. Well, their records, I can't say they did have. This would be supposition on my part because I never discussed it out with them.

Q. Now, you didn't need to discuss it with them to know they had criminal records.

A. May I sit down, sir?

Q. Yes.

MR. WILSON: Now, some doctor, it has been stated by Mr. MacFinnon - Dr. Noble - examined youwhen you were in jail at Nimico, and he made a report out on your condition, which I have before me, dated April 14th, 1958.

A. April 14th? I was in St. Joseph's Hospital, I think, then.

Q. Well, wherever you were, he still has seen you and has made a report.

A. I think that was in St. Joseph's Hospital.

Q. Well, did you tell him about your symptoms, or whatever doctors examined you, did you tell them all your troubles.

A. I might have. I don't know.

Q. Well, did you , or did you not?

A. I don't know, sir. I can't tell.

Q. You didn't ——

A. He probably questioned me and asked me a lot of questions as a physician would, but I can't exactly tell you what was said.

Q. Why I am asking you about this is

THE COURT: Yes, not "might have".

A. Well, that's memory, I can't say they did have. This would be speculation on my part; counsel discussed it but with them.

Q. Now, you didn't meet to discuss it with them to know they had ordinary recourse.

A. May I sit down, sir?

Q. Yes.

MR. [illegible]: Now, have answer, it has been added by the Judiciary - Mr. Hall - [illegible] you were in jail at Toronto, and it was a report out on your condition, which I have lurked on, [illegible].

Q. Until 1970? I was in St. Joseph's Hospital, I think.

Q. Well, wherever you were, he still has seen you. Just has made a report.

A. I think that was in St. Joseph's hospital.

Q. Well, did you tell him about your drug-taking or whatever drugs caused you, did you tell Dr. Hoffer [illegible]?

A. I might have. I don't know.

Q. Well, did you, or did you not [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible] questioned so and so on a list of questions as a physician would, but I don't exactly tell you what was said.

Q. May I ask you [illegible] this is

that there is not a word in Dr. Noble's report about any nervous condition.

A. Well, I don't know about that. I am telling you what I knew about myself. I don't know what was said at that time. I know I was mentally perturbed, I was upset, I was worried, and I couldn't tell you, sir. I have no - I don't remember talking to a Dr. Noble.

Q. Well, if this doctor talks about your diabetes, would that be correct?

A. I have diabetes, sir.

Q. And if he talks about the fact that you had a coronary thrombosis sometime before your admission to jail, would that be correct?

A. I had a coronary, sir.

Q. Now, did you complain at all to the doctor about your nerves?

A. Yes, sir, I asked for sedatives, and they gave them to me.

Q. Apart from asking for sedatives, did you make any other complaint?

A. I don't know, sir. I couldn't tell you.

Q. Now, when you were down in Florida a few weeks ago, you saw Mr. Pierce, did you not?

A. Yes.

Q. And was that at Hialeah or the Hollywood Dog Track?

A. I think I stated that it was at the Hollywood Dog Track, sir.

Q. And how much do you say you were betting?

A. I might have been betting $30 or $40 or $60, or something.

Q. That is not what you said this morning?

A. I said I won some money the first night and I might have been betting a little higher.

Q. A little higher?

A. Yes.

Q. Now, if Mr. Pierce say, "I was betting $5 and $10 and he was betting big money, he was betting hundreds," what would you say to that?

A. I would say that was wrong.

Q. You would say he was wrong?

A. I wouldn't say he was wrong, but I know that it is wrong.

Q. Well, maybe we will call him and ask him to deal with it.

A. Yes.

Q. You are on oath. You are saying you were not betting anything higher than what?

A. Than $50 or - well, $30, $50, $60.

Q. Well, now we are up to $60.

A. I said that right from the start.

Q. Did you?

A. Yes.

Q. You mean here this afternoon?

A. Yes.

THE COMMISSIONER: Yes.

MR. WILSON: But yesterday it wasn't that. Now, did you tell him that you were hoping to get or do a gambling concession at Valadoria?

A. Yes.

Q. Have you much a gambling concession?

A. No. I told him, sir, that previous to the Castro regime I was trying to put something together there.

Q. I see. Did anything come of that?

A. No, sir.

Q. Now, this William D. Pierce, the mining man ----

A. Yes.

Q. - is the man that you met on a Tuesday evening?

A. Yes.

Q. Around midnight?

A. Here?

Q. Yes.

A. Yes, that is the gentleman.

Q. Now, you had with you another gentleman that you mentioned yesterday?

A. Yes, sir.

Q. And what is his name?

A. Tony Chianderi, I believe.

THE COMMISSIONER: Tony what?

A. Chianderi - Chaideri.

MR. WILSON: How do you spell that?

A. Sir, I don't know. It is an Italian name.

THE COMMISSIONER: Where does he live?

A. He lives in Windsor.

MR. WILSON: Whereabouts?

A. I don't know.

Q. This is the man you say your wife told to look you up?

A. Yes, he might have gone to my house.

Q. So that your wife would know where to find him?

A. No, not to my knowledge, but he came to my house because he is a fellow I have known for a long while.

Q. What was your connection with him prior to the other night?

A. My connection with him, sir, is I have known him. At one time I used to knock around with him in past years, oh, maybe twelve years ago, or could be nine, I am not sure, and then I lost track of him. He was a structural steel worker. He builds that high steel ---

THE COMMISSIONER: Take you hand away from your mouth.

A. And for the last two or three months since I have had this thing, or this meeting, he has been dropping over. He has been trying to get work. He has been trying to get back on

Q. Without how do you spell Lewis?

A. Well, I don't know. It is an Italian name.

Q. [illegible] Where does he live?

A. He lives in Modena.

Q. [illegible]

A. I don't know.

Q. Didn't he also say you and your wife would be look you out?

A. Yes, he might have gone to my house.

Q. Is that [illegible] would have [illegible] to find him?

A. No, not to my knowledge, but he came to my house because he is a fellow I have known for a long while.

Q. Had he [illegible] [illegible] also prior to the other night?

A. [illegible] also [illegible], as I have known him. As one time I used to meet around with him in [illegible] years, on, maybe twelve years ago, or could be more. I am not sure, but then I lost track of him. He was a [illegible] street worker. He looks just like a real [illegible] from your [illegible].

Q. And for the last two or three months since I have had [illegible] before, or [illegible] he has been drinking over. He has been trying to get work, as he has been [illegible] to get [illegible] as

the summer work, on the high steel, and that is my connection with him, sir.

MR. WILSON: Is he out of work now?

A. He is out of work, sir, yes.

Q. And you say these recent meetings with him - did you have meetings with him in Windsor recently?

A. There - he has been to my home, sir.

Q. Yes, on how many occasions?

A. Half a dozen times.

Q. And what gave rise to the new association between you and this man?

A. He just come over to see me.

Q. Just come over to see you?

A. Yes.

Q. And this unemployed man, why did he come to Toronto to see you?

A. Well, he is a steelworker. He is looking for work. See, last year he worked in Oakville, and the season before that - or he worked in Sarnia before that, or the year before that he worked in Oakville, or he worked in both places at the same time. I think he came here looking for some kind of work, or he had heard there was a job here. I think this is right.

Q. If Mr. Pierce describes him as a tough-looking guy who looked like a bum, would you agree with that description?

A. Well, sir, he was rather decrepit in his appearance, because he had one windbreaker

the answer work, on the high steel, and that is by prearrangement, sir.

Q. Mr. Wright: In the out of work hour?

A. In the out of work, sir, yes.

Q. Did you ever have conversation with him - did you have conversations with him in Kingston (Jamaica)?

A. Yes - he has been to my home, sir.

Q. Yes, on how many occasions?

A. Half a dozen times.

Q. And went down prior to the new association (Jamaica Int. Ind. Stock Ass.)?

A. He just came over to see us.

Q. Did some from he live?

A. Yes.

Q. Did this association arise, he did he come to Toronto to see you?

A. Well, he is a stockbroker. He is looking for work. Now, Just prior he worked in Montreal, and the season before that - or he worked in Oswego harbour dock, or the year before that he worked in Cornwall, or he worked in both places at the same time. I think he came here looking for some kind of work, or he had heard there was a job here. I think this is right.

Q. If Mr. Pierce describes him as a tough-looking guy who looked like a Jew, would that be your Mr. Levy?

A. Well, sir, as one talkes descriptions in his appearance, because of his one wind-tunnel

and a sweater and no hat, and I don't think that he would be -- he is a small man, and I don't think he would classed as tough-looking. I think he would be classed as a rather shabbily-dressed person.

Q. And did you introduce this man to Mr. Pierce on that occasion as your chauffeur?

A. No, I didn't use that expression, sir. I said this man was my driver.

Q. Driver?

A. Yes.

Q. Why did you introduce him in that way?

A. Because he looks so bad and my association with Pierce - he was so shabbily dressed and my association with Pierce was of such - I knew he was a man for whom - a man of some repute, and I didn't want to associate this man, this shabby man with me as an associate. There was no reason for it. I didn't introduce him. They didn't shake hands or anything like that. I just said, "This man is my driver," and I just let it go at that.

Q. Just describe this man. You say he is a short man?

A. Yes.

Q. Would he be about your height?

A. No, he is shorter than I am, I believe.

Q. And he weighs about how much?

A. About 150 or 145 lbs.

Q. And what colour is his hair?

A. Black.

Q. And is there any distinguishing mark on his face?

A. No, sir.

Q. Well, how was his hair cut?

A. I couldn't tell you.

Q. You couldn't tell me?

A. No.

Q. Did you ever borrow from Mr. Pierce - any money from Mr. Pierce?

A. No.

Q. He hasn't anything to do with the Pearce Finance Company you talked about in Windsor?

A. No, sir. I don't know Mr. Pierce's business at all.

THE COMMISSIONER: You didn't come to Toronto with Tony Chiaderi?

A. I came by plane. I have the ticket in my pocket.

Q. You didn't come to Toronto with Tony Chiaderi?

A. No.

Q. You swear to that?

A. Yes - on my honour.

Q. Had you made arrangements to meet him here?

A. No, sir.

Q. Have you or his son,

Q. Did you deliver to his valet

Q. Gloves,

Q. And he threw my distributing

room on his face.

A. Oh, sir.

Q. Still, how was his hair cut?

A. I couldn't tell you.

Q. Was Jacob's hair cut?

A. No.

Q. Did you ever hear Simon from Mr.

Simon - any money from Mr. Simon?

A. No.

Q. So haven't any dealing to do with

the Simon Simons company you talked about in

"Alaska?"

A. No, sir. I don't know it.

Alaska's business is all.

Q. Now, Kelly, tell. You didn't come to

Sonora with Judge Calderwood?

A. I came by plane. I have the tickets

in my pocket.

Q. You didn't come to Sonora with

Judge Calderwood?

A. No.

Q. You swear to that?

A. Yes - on my honour.

Q. Had you made arrangements to meet

his lawyer?

A. No, sir.

Q. And how did you meet here?

A. He came to the Lord Simcoe and knocked on the door.

(Page 2180 follows)

THE COMMISSIONER: Q. When?

A. The night that I met Mr Pierce.

Q. That was Tuesday night?

A. Yes.

Q. Were you surprised?

A. Yes, I was.

Q. Did he tell you how he learned where you were?

A. He told me my wife had told him.

Q. Where did your wife tell him?

A. At my home probably.

Q. You left Windsor when?

A. On Sunday night.

Q. And ifyour wife told him she must have told him after you left?

A. She probably did, sir.

Q. When did you first telephone your wife?

A. I have called my wife every day since I have been here.

Q. When did you first telephone her?

A. I might have called her Sunday night or Monday morning; I am not sure, sir.

Q. Monday morning or Monday night?

A. Or Sunday night or Monday morning.

Q. You didn't leave Windsor until Sunday night?

A. Sunday afternoon, sir, after I got in I might have called her and told her I arrived here safely and probably to tell her where I was.

Q. Where did you telephone her from?

A. From a public phone.

Q. What is your telephone number in Windsor?

A. Clearwater 3-4852.

Q. All right.

MR WILSON: Q. I show you a wrapping paper of an air express parcel addressed to Mr J.P. McDermott, care of Malton Airport. Do you recall sending a parcel to Mr McDermott, care of Malton Airport?

A. No, sir, I don't.

Q. I just show you the portion of it on the other side of the air express tab: "From Mr John Gardner, 380 Bridge Avenue, Windsor". Is that your address?

A. Yes, sir.

Q. I notice that your name appears on it in another place: "Mr John Gardner, 380 Bridge Ave., Windsor".

A. Yes, sir.

Q. Do you say that that was not a wrapper off something you had sent to Mr.

McDermott?

A. That is not my writing, sir.

Q. It could easily not be your writing.

A. Well, I don't remember sending Mr McDermott ----

Q. Well, in 1957 do you remember sending any parcel to Mr McDermott?

A. Not to my knowledge, sir.

Q. Did you ever send in, say, 1957 or '58 or '56 any parcel to Mr. McDermott?

A. Not that I can remember, sir.

Q. Or instruct anybody to send one?

A. Not that I have knowledge of, sir.

Q. What would your explanation be for that?

A. I haven't the slightest idea. I haven't the vaguest idea.

THE COMMISSIONER: Let me see it. (Produced).

Are you filing that?

MR WILSON: Yes, I will file that as the next exhibit, Mr Commissioner, if I may. We will identify it further through other witnesses.

-----EXHIBIT NO. 95: Wrapper from Air Express parcel.

MR WILSON: Mr Commissioner, that is all I want to ask this witness at this time but I suggest he be warned that in view of the fact he is going to be called back, that he not communicate directly or indirectly with Mr Leo Finnegan or any other of his former associates at the club in Windsor.

THE WITNESS: I will not, sir. I will not communicate with anybody.

THE COMMISSIONER: Either directly or indirectly.

THE WITNESS: In any way, shape or form, sir.

THE COMMISSIONER: Do you want to put in some samples of writing, Mr MacKinnon?

MR MACKINNON: I think they have gone in as part of that other Exhibit, sir.

THE COMMISSIONER: I haven't been advised of it.

MR WILSON: Exhibit 94 was five samples of Mr Gardner's writing.

THE COMMISSIONER: Having put in that Exhibit 95 do you now want some samples of writing?

MR WILSON: Yes, we might have them.

Q. You might do a few samples for us, Witness.

I had examined that, Mr Commissioner, before.

Witness, ifyou would just write this:

"To Mr J.F. McDermott, c/o Malton Airport".

Then below that if you would just write:

"From Mr John Gardner, 380 Bridge Avenue, Windsor".

A. (Witness writes.)

Q. If you would make it 380, please, not 38. Then would you just put down below the word "From" but capitalize it, capitalize the "f".

A. (Witness writes.)

Q. Is that the way you make an "f"?

A. I think I do, sir. I am not sure.

THE COMMISSIONER: Attach that to Exhibit No. 95.

---(Specimen of handwriting attached to Exhibit No. 95).

MR WILSON: Mr Commissioner, that is all the evidence I have today. I take it we will adjourn now until the 16th of April at 10 A.M.

THE COMMISSIONER: Yes. Were you rising to say something, Mr Rose?

MR ROSE: If I may, Mr Commissioner.

I imagine you don't need to stay there, Mr Gardner.

MR WILSON: Mr Gardner, we will advise you when we want you to come back.

THE WITNESS: Well, sir, can I return

to my home?

MR WILSON: Yes.

MR ROSE: I would ask you to wait here for the time being, in the room.

THE WITNESS: I would like to ask a question.

THE COMMISSIONER: Yes.

THE WITNESS: When I was advised not to talk to anybody at all concerning this case, can I consult with my counsel now, sir?

THE COMMISSIONER: Yes.

THE WITNESS: I can talk with Mr. Rose?

THE COMMISSIONER: Yes.

THE WITNESS: Thank you, sir.

---(Witness withdrawn).

MR ROSE: That was one of the questions I was going to ask you, sir, because I wanted that clear before we adjourned because you can see there might be certain things to discuss.

THE COMMISSIONER: Oh yes.

MR ROSE: The second thing is, as a result of discussions that will now take place with Mr Gardner, he or myself may consider

it advisable under all the circumstances that perhaps -- I cannot say this for sure -- that witnesses should be called to give evidence in connection with the matters affecting him or that certain witnesses who are called or who have been called, subject to being brought back again, I may be advised that I should cross-examine those witnesses on certain points affecting Mr Gardner.

Now, this was a matter that, I believe, we left in abeyance this morning as to whether or not you would allow me so to do on behalf of my client.

THE COMMISSIONER: We will cross that bridge when we come to it.

MR ROSE: I am quite happy with that providing neither he nor myself is prejudiced by waiting until that time.

THE COMMISSIONER: Until what time?

MR ROSE: Until such time as the bridge is ready to be crossed. It may well be that on resumption of the hearings on the 16th of April I may wish to examine my client who has now given evidence. I haven't had an opportunity to do so. I may wish to call witnesses. I may wish to cross-examine any other person whose evidence has to deal with Mr Gardner and dealing with what he has said under oath before this Commission.

I would say this then; will you permit

me so to do when those witnesses are called?

THE COMMISSIONER: I will hear you when you want to make such an application.

MR ROSE: I am making the application now.

THE COMMISSIONER: No, you are not; I'm sorry. You are saying that that may happen.

MR ROSE: I may be instructed during this week.

THE COMMISSIONER: All right. When you want to make any other application I will hear you.

MR ROSE: The only other matter I wish to discuss at this time is that I am now allowed to consult -- at least, Mr Gardner is now allowed to consult with me?

THE COMMISSIONER: That is right.

MR ROSE: Is there any objection on your own behalf or on behalf of other counsel if I order and secure Mr Gardner's testimony from the court reporters or from the reporter because I fail to see how I can consult properly with him without having that in front of me due to the fact I have not been here yesterday and also due to the fact I am sure Mr Gardner, whose mind is somewhat vague on many things, is certainly not going to remember all the questions that were put and the answers made yesterday and today.

THE COMMISSIONER: I will take that under

advisement.

MR ROSE: Mr Commissioner, I wonder if I might be advised during the coming week while this hearing is in recess because if certain witnesses are called beginning on April 16th and you allow me or presumably you might allow me to cross-examine those witnesses ---

THE COMMISSIONER: No, I am not going to allow you to cross-examine any witness.

MR ROSE: I thought that was a matter we were going to cross when we came to it, Mr Commissioner.

THE COMMISSIONER: No, I didn't say that at all.

MR ROSE: If a witness ---

THE COMMISSIONER: Let us get the air clear; let us have no misunderstanding. You are here representing a witness.

MR ROSE: Yes, sir.

THE COMMISSIONER: You also represent McDermott and Feeley.

MR ROSE: Yes, sir.

THE COMMISSIONER: They will probably be called just the same as Gardner.

MR ROSE: They have been subpoenaed, sir.

THE COMMISSIONER: And you want to be able to examine them when they are in the witness box?

MR ROSE: Yes, sir.

THE COMMISSIONER: I am not going to allow it.

MR ROSE: Then the other question is will I be allowed to cross-examine any person who is brought as a witness before this Commission whose evidence affects McDermott, Feeley or Gardner?

THE COMMISSIONER: If you have any questions that you wish to be put to any witnesses who may hereafter be called you put them through Mr Wilson, counsel for this Commission.

MR ROSE: Without having the right to cross-examine myself, sir?

THE COMMISSIONER: Yes; that's right.

MR ROSE: Will you, sir, give me permission to call witnesses?

THE COMMISSIONER: If you have any witnesses whose evidence you think is relevant to the matters on which I am inquiring you outline the nature of their evidence so that I can determine or Mr Wilson can determine whether it mx is relevant or not, and if it is relevant they will be called.

MR ROSE: Did you, sir, dispose of the question that I asked concerning the ordering and obtaining of my client's testimony?

THE COMMISSIONER: I have not disposed of it.

MR ROSE: In respect of the other matters, sir, you have made your ruling on them and, with respect, sir, I question the validity of that ruling.

THE COMMISSIONER: You may question it if you wish. You have it on the record now.

MR ROSE: A provision of the Public Inquiries Act, section 5, provides for the procedure when a decision of the Commissioner is questioned, the validity of that decision. Mr Gardner is certainly a person affected by this hearing. I question, sir, the validity of your decision in respect to those matters and I would ask you to state a case for the Court of Appeal.

THE COMMISSIONER: All right. You better suggest what the case should be.

MR ROSE: Very well. I shall communicate, I presume, with the Commission Counsel. The suggestion I would make, and I can put it in more formal language, is that one question should be:

Is counsel for Frank Gardner, a witness at this inquiry, entitled to call witnesses and examine them in-chief?

The second question would be:

Is counsel for Frank Gardner entitled to examine or cross-examine witnesses called at the instance of counsel for the Commission

or by any other person?

And, thirdly:

Is counsel for Frank Gardner entitled to obtain, upon payment, a transcript of the testimony of Gardner given before this Commission?

I would ask, Mr Commissioner, that you state a case in respect of those three questions.

THE COMMISSIONER: I have heard your application. Anything else?

MR ROSE: That is all, sir.

THE COMMISSIONER: Adjourn until April 16th.

---Whereupon the Hearing adjourned at 4.40 P.M. until 10.00 A.M., April 16, 1962.

IN THE SUPREME COURT OF ONTARIO

BETWEEN:

[redacted]

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF ARGUMENT ON APPEAL

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